Mokhtaser

SAHIH MUSLIM

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Chapter 25: KITAB AL-RADA'A-BOOK PERTAINING TO FOSTERAGE

Book 8, Number 3395:

'A'isha (Allah be pleased with her) reported tha Allah's Messenger (may peace be upon him) was with her and she heard the voice of a person seeking permission to enter the house of Hafsa. 'A'isha (Allah he pleased with her) said: Allah's Messenger, he is the person who seeks permission to enter your house, whereupon Allah's Messenger (may peace be upon him) said: I think he is so and so (uncle of Hafsa by reason of fosterage). 'A'isha said: Messenger of Allah, if so and so (her uncle by reason of fosterage) were alive, could he enter my house? Allah's Messenger (may peace be upon him) said: Yes. Fosterage makes unlawful what consanguinity makes unlawful.

Book 8, Number 3396:

'A'isha (Allah be pleased with her) reported Allah's Messenger (may peace be upon him) as saying: Fosterage makes unlawful what consanguinity makes unlawful.

Book 8, Number 3397:

'A'isha (Allah be pleased with her) reported that Aflah, the brother of Abu'l-Qu'ais, who was her uncle by reason of fosterage, came, and asked her permission (to enter the house) after seclusicin was instituted. I refused to admit him. When Allah's Messenger (may peace be upon him) came, I Informed him what I had done. He commanded me to grant him permission (as the brother of her foster-father was also her uncle).

Book 8, Number 3398:

'A'isha (Allah be pleased with her) reported: There came to me Aflah b. Abu Qulais, my uncle by reason of fosterage; the rest of the hadith is the same (but with this) addition:" I ('A'isha) said (to the Holy Prophet): It was the woman who suckled me and not the man, whereupon he (Allah's Messenger) said: May your hands or your right hand be besmeared with dust (you were mistaken)."

Book 8, Number 3399:

'A'isha (Allah be pleased with her) reported that there came Aflah the brother, of Abu'l-Qu'ais, who sought her permission (to enter) after seclusion was instituted, and AbuQu'ais was the father of 'A'isha by reason of fosterage. 'A'isha said: By Allah, I would not permit Aflah unless I have solicited the opinion of Allah's Messenger (may peace be upon him) for Abu Qulais has not suckled me, but his wife has given me suck. 'A'isha' (Allah be pleased with her) said: When Allah's Messenger (may peace be upon him) entered, I said: Allah's Messenger, Aflah is the brother of Abu'l-Qulais; he came to me to seek my permission for entering (the houst). I did not like the idea of granting him permission until I had solicited your opinion. Thereupon Allah's Apostle (may peace be upon him) said: Grant him permission. 'Urwa said it was on account of this that 'A'isha used to say. What is unlawful by reason of consanguinity is unlawful by reason of fosterage.

Book 8, Number 3400:

This hadith has been narrated on the authority of Zuhri with the same chain of transmitters (that 'A'isha said): There came Aflah, the brother of Abu'l Qulais (Allah be pleased with him), and sought permission from her, the rest of the hadith is the same (except for the words that the Holy Prophet) said:" He is your uncle. Let your hand be besmeared with dust. Abu'l Qulais was the husband of the woman who had suckled 'A'isha (Allah be pleased with her).

Book 8, Number 3401:

'A'isha (Allah be pleased with her) reported: My foster uncle came to me and sought permission (to enter the house), but I refused him permission until I had solicited the opinion of Allah's Messenger (may peace be upon him). When Allah's Messenger (may peace be upon him) came, I said to him: My foster-uncle sought my permission to (enter the house), but I did not permit him, whereupon Allah's

Messenger (may peace be upon him) said: You better admit your uncle (into the house). I ('A'isha) said: It was the woman who suckled me and not the man. (But he) said: He is your uncle, admit him.
Book 8, Number 3402:
This hadith has been narrated on the authority of Hisham with the same chain of transmitters (and the words are):" The brother of Abu'l-Qu'ais sought permission from her ('A'isha) (to enter the house). The rest is the same.
Book 8, Number 3403:
This hadith has been narrated on the authority of Hisham with the same chain of transmitters but with a slight variation of words.
Book 8, Number 3404:
'A'isha (Allah be pleased with her) reported: My foster-uncle Abu'l Ja'd (kunya of Aflah) sought permission from me, which I refused. (Hisham said to me that Abu'l-Ja'd was in fact Abu'l-Qu'ais). When Allah's Apostle (may peace be upon him) came, I ('A'isha) informed him about it. He said: Why did you not permit him? Let your right hand or hand be besmeared with dust.
Book 8, Number 3405:
'A'isha (Allah be pleased with her) reported that her foster-uncle whose name was Aflah sought permission from her (to enter the house) but she observed seclusion from him, and informed Allah's Messenger (may peace be upon him) who said to her: Don't observe veil from him for he is Mahram (one with whom marriage cannot be contracted) on account of fosterage as one is Mahram on account of consanguinity.
Book 8, Number 3406:
'A'isha (Allah be pleased with her) reported: Aflah b. Qu'ais sought permission from me (to enter the house), but I refused to grant him the permission, and he sent me (the message saying): I am your uncle (in the sense) that the wife of my brother has suckled you, (but still) I refused to grant him permission. There came the Messenger of Allah (may peace be upon him) and I made a mention of it to him, and he said: He can enter (your house), for he is your uncle.
Book 8, Number 3407:
'Ali (Allah be pleased with him) reported having said this: Messenger of Allah, why is it that you select (your wife) from among the Quraish, but you ignore us (the nearest of the kin)? Thereupon he said: Have you anything for me (a suitable match for me)? I said; Yes, the daughter of Hamza, whereupon Allah's Messenger (may peace be upon him) said: She is not lawful for me, for she is the daughter of my brother by reason of fosterage.
Book 8, Number 3408:
A hadith like this has been narrated on the authority of A'mash with the same chain of transmitters.
Book 8, Number 3409:
Ibn Abbas (Allah be pleased with them) reported: It was proposed that he (the Holy Prophet) be married to the daughter of Hamza, whereupon he said: She is not lawful for me for she is the daughter of my foster-brother, and that is unlawful by reason of fosterage what is unlawful by reason of genealogy.
Book 8, Number 3410:
A hadith like this is narrated on the authority of Hammam, Sa'id, Bishr b 'Umar, but with a small variation of words.
Book 8, Number 3411:
Umm Salama (Allah be pleased with her), the wife of Allah's Apostle (may peace be upon him), said: It was said to the Messenger of Allah (may peace be upon him): Is not the daughter of Hamza a suitable match for you? Or it was said: Why don't you propose to marry the daughter of Hamza, the son of Abd al-Muttalib? Thereupon he said: Hamza is my brother by reason of fosterage.
Chapter 26: IT IS FORBIDDEN TO MARRY THE STEP-DAUGHTER AND THE SISTER OF THE WIFE (WHEN WIFE IS ALIVE AND NOT DIVORCED)
Book 8, Number 3412:
Umm Habiba, the daughter of AbuSufyan, reported: The Messenger of Allah (may peace be upon him) came to me and I said to him: Have you any inclination towards my the daughter of Abu Sufyan?

He (the Holy Prophet) said: Then what should I do? I said: Marry her. He said: Do you like that? I said: I am not the exclusive (wife) of yours; I, therefore, wish to join my sister in good. He, said: She is not lawful for me. I said: I have been informed that you have given the proposal of marriage to Durrah daughter of Abu Salama He raid: You mean the daughter of Umm Salama? I said: Yes. He said: Even if she had not been my step-daughter brought up under my guardianship, she would not have been lawful for me, for she is the daughter of my foster-brother (Hamza), for Thuwaiba had suckled me and her father. So do not give me the proposal of the marriage of your daughters and sisters. This hadith has been narrated on the authority of Hisham with the same chain of transmitters.
Book 8, Number 3413:
Umm Habiba, the wife of Allah's Apostle (may peace be upon him), reported that she said to Allah's Messenger (may peace be upon him): Messenger of Allah, marry my sister 'Azza, whereupon Allah's Messenger (may peace be upon him) said: Do you like it? She said: Yes, Messenger of Allah, I am not the exclusive wife of yours, and I wish that the person who joins me in good should be my sister. Thereupon Allah's Messenger (may peace be upon him) said: That is not lawful for me. I said: Messenger of Allah, we discussed that You intend to marry Durrah bint Abu Salama. He (the Holy Prophet) said: You mean the daughter of Abu Salama? She said: Yes, whereupon Allah's Messenger (may. peace be upon him) said: Even if she were not the step-daughter of mine, brought up under my guardianship, she would not have been lawful for me, for she is the daughter of my foster-brother. Thuwaiba gave me suck and to Abu Salama (also), so do not offer to me your daughters and sisters.
Chapter 27: ONE SUCKLING OR TWO DO NOT MAKE MARRIAGE UNLAWFUL
Book 8, Number 3414:
'A'isha (Allah be pleased with her), Suwaid and Zubair reported Allah's Apostle (may peace be upon him) as saying: One suckling or two do not make (marriage) unlawful.
Book 8, Number 3415:
Umm al-Fadl reported: A bedouin came to Allah's Apostle (may peace be upon him) when he was in my house and said: Allah's Apostle, I have had a wife and I married another besides her, and my first wife claimed that she had suckled once or twice my newly married wife, thereupon Allah's Apostle (may peace be upon him) said: One suckling or two do not make the (marriage) unlawful.
Book 8, Number 3416:
Umm Fadl (Allah be pleased with her) reported that a person from Banu 'Amir b. Sa'sa said: Allah's Apostle, does one suckling make the (marriage) unlawful? He said: No.
Book 8, Number 3417:
Umm Fadl (Allah be pleased with her) reported that Allah's Apostle (may peace be upon him) said: Being suckled once or twice, or one suckling or two, do not make marriage unlawful.
Book 8, Number 3418:
In the narration transmitted on the authority of Ibn Bishr there is a mention of two sucklings and Ibn Abu Shaiba has narrated it with a small variation of wording.
Book 8, Number 3419:
Umm Fadl (Allah be pleased with her) reported Allah's Apostle (may peace be'apon him) having said this: One or two sucklings do not make (the marriage) unlawful.
Book 8, Number 3420:
Umm Fadl (Allah be pleased with her) reported that a person asked Allah's Apostle (may peace be upon him): Does one suckling make (the marriage) unlawful? He said: No.
Book 8, Number 3421:
'A'isha (Allah be pleased with, her) reported that it had been revealed in the Holy Qur'an that ten clear sucklings make the marriage unlawful, then it was abrogated (and substituted) by five sucklings and Allah's Apostle (may peace be upon him) died and it was before that time (found) in the Holy Qur'an (and recited by the Muslims).
Book 8, Number 3422:
'Amra reported that she beard 'A'isha (Allah he pleased with her) discussing fosterage which (makes marriage) unlawful; and she ('A'isha) said: There was revealed in the Holy Qur'an ten clear sucklings, and then five clear (sucklings).

Book 8, Number 3423:
Ahadith like this is transmitted by 'A'isha through another chain of narrators.
Chapter 28: SUCKLING OF A YOUNG (BOY)
Book 8, Number 3424:
' A'isha (Allah be pleased with her) reported that Sahla bint Suhail came to Allah's Apostle (may peace be eupon him) and said: Messengerof Allah, I see on the face of Abu Hudhaifa (signs of disgust) on entering of Salim (who is an ally) into (our house), whereupon Allah's Apostle (may peace be upon him) said: Suckle him. She said: How can I suckle him as he is a grown-up man? Allah's Messenger (may peace be upon him) smiled and said: I already know that he is a young man 'Amr has made this addition in his narration that he participated in the Battle of Badr and in the narration of Ibn 'Umar (the words are): Allah's Messenger (may peace be upon him) laughed.
Book 8, Number 3425:
'A'isha (Allah be pleased with her) reported that Salim, the freed slave of Abu Hadhaifa, lived with him and his family in their house. She (i. e. the daughter of Suhail came to Allah's Apostle (may peace be upon him) and said: Salim has attained (purbety) as men attain, and he understands what they understand, and he enters our house freely, I, however, perceive that something (rankles) in the heart of Abu Hudhaifa, whereupon Allah's Apostle (may peace be upon him) said to her: Suckle him and you would become unlawful for him, and (the rankling) which Abu Hudhaifa feels in his heart will disappear. She returned and said: So I suckled him, and what (was there) in the heart of Abu Hudhaifa disappeared.
Book 8, Number 3426:
Ibn Abu Mulaika reported that al-Qasim b. Muhammad b. Abu Bakr had narrated to him that 'A'isha (Allah be pleased with her) reported that Sahla bint Suhail b. 'Amr came to Allah's Apostle (may peace be upon him) and said: Messenger of Allah, Salim (the freed slave of Abu Hudhaifa) is living with us in our house, and he has attained (puberty) as men attain it and has acquired knowledge (of the sex problems) as men acquire, whereupon he said: Suckle him so that he may become unlawful (in regard to marriage) for you He (Ibn Abu Mulaika) said: I refrained from (narrating this hadith) for a year or so on account of fear. I then met al-Qasim and said to him: You narrated to me a hadith which I did not narrate (to anyone) afterwards. He said: What is that? I informed him, whereupon he said: Narrate it on my authority that 'A'isha (Allah be pleased with her) had narrated that to me.
Book 8, Number 3427:
Umm Salama said to 'A'isha (Allah be pleased with her): A young boy who is at the threshold of puberty comes to you. I, however, do not like that he should come to me, whereupon 'A'isha (Allah be pleased with her) said: Don't you see in Allah's Messenger (may peace be upon him) a model for you? She also said: The wife of Abu Hudhaifa said: Messenger of Allah, Salim comes to me and now he is a (grown-up) person, and there is something that (rankles) in the mind of Abu Hudhaifa about him, whereupon Allah's Messenger (may peace be upon him) said: Suckle him (so that he may become your foster-child), and thus he may be able to come to you (freely).
Book 8, Number 3428:
Zainab daughter of Abu Salama reported: I heard Umm Salama, the wife of Allah's Apostle (may peace be upon himy, saying to 'A'isha: By Allah, I do not like to be seen by a young boy who has passed the period of fosterage, whereupon she ('A'isha) said: Why is it so? Sahla daughter of Suhail came to Allah's Messenger (may peace be upon him) and said: Allah's Messenger, I swear by Allah that I see in the face of Abu Hudhaifa (the signs of disgust) on account of entering of Salim (in the house), whereupon Allah's Messenger (may peace be upon him) said: Suckle him. She (Sahla bint Suhail) said: He has a heard. But he (again) said: Suckle him, and it would remove what is there (expression of disgust) on the face of Abu Hudhaifa. She said: (I did that) and, by Allah, I did not see (any sign of disgust) on the face of Abu Hadhaifa.
Book 8, Number 3429:
Umm Salama, the wife of Allah's Apostle (may peace be upon him), used to say that all wives of Allah's Apostle (may peace be upon him) disclaimed the idea that one with this type of fosterage (having been suckled after the proper period) should come to them. and said to 'A'isha: By Allah, we

do not find this but a sort of concession given by Allah's Messenger (may peace be upon him) only for Salim, and no one was ging to be allowed to enter (our houses) with this type of fosterage and we do not subscribe to this view.

Book 8, Number 3430:

'A'isha (Allah be pleased with her) reported: Allah's Messenger (may peace be upon him) visited me when a man was sitting near me, and he seemed to disapprove of that. And I saw signs of anger on his face and I said: Messenger of Allah, he is my brother by forsterage, whereupon he said: Consider who your brothers are because of fosterage since fosterage is through hunger (i. e. in infancy).

Book 8, Number 3431:

This hadith is narrated on the authority of Abd al-Ahwas with another chain of transmitters and a slight variation of words.

Chapter 29: IT IS PERMISSIBLE TO HAVE SEXUAL INTERCOURSE WITH A CAPTIVE WOMAN AFTER SHE IS PURIFIED (OF MENSES OR DELIVERY) IN CASE SHE HAS A HUSBAND, HER MARRIAGE IS ABROGATED AFTER SHE BECOMES CAPTIVE

Book 8, Number 3432:

Abu Sa'id al-Khudri (Allah her pleased with him) reported that at the Battle of Hanain Allah's Messenger (may peace be upon him) sent an army to Autas and encountered the enemy and fought with them. Having overcome them and taken them captives, the Companions of Allah's Messenger (may peace te upon him) seemed to refrain from having intercourse with captive women because of their husbands being polytheists. Then Allah, Most High, sent down regarding that:" And women already married, except those whom your right hands possess (iv. 24)" (i. e. they were lawful for them when their 'Idda period came to an end).

Book 8, Number 3433:

Abu Sa'id al-Khudri (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) sent a small army. The rest of the hadith is the same except this that he said: Except what your right hands possessout of them are lawful for you; and he did not mention" when their 'idda period comes to an end". This hadith has been reported on the authority of AbuSa'id (al-Khudri) (Allah be pleased with him) through another chain of transmitters and the words are: They took captives (women) on the day of Autas who had their husbands. They were afraid (to have sexual intercourse with them) when this verse was revealed:" And women already married except those whom you right hands posses" (iv. 24)

Book 8, Number 3434:

Qatada reported a hadith like this with the same chain of transmitters.

Chapter 30: THE CHILD IS TO BE ATTRIBUTED TO ONE ON WHOSE BED IT IS BORN AND ONE MUST AVOID SUSPICION

Book 8, Number 3435:

'A'isha (Allah be pleased with her) reported: Sa'd b. Abu Waqqas and Abd b. Zam'a (Allah be pleased with them) disputed with each other over a young boy. Sa'd said: Messenger of Allah, he is the son of my brother 'Utba b. Abu Waqqas as he made it explicit that he was his son. Look at his resemblance. Abd b. Zam'a said Messenger of Allah, he is my brother as he was born on the bed of my father from his slave-girl. Allah's Messenger (way peace he upon him) looked at his resembl-. ance and found a clear resemblance with 'Utba. (But) he said: He is yours 0 'Abd (b. Zam'a), for the child is to be attributed to one on whose bed it is born, and stoning for a fornicator. Sauda bint Zam'a, O you should observe veil from him. So he did not see Sauda at all. Muhammad b. Rumh did not make a mention (of the words):" O Abd."

Book 8, Number 3436:

A hadith like this is narrated on the authority of Ibn 'Uyaiyna and Ma'mar (and the words are): The child is attributed to him on whose bed he is born; but they did not mention this:" For a fornicator there is stoning."

Book 8, Number 3437:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: The child is to be attributed to one on whose bed he is born, and for a fornicator there is stoning.

Book 8, Number 3438:

A hadith like this is narrated on the authority of Abu Huraira.

Chapter 31: TRACING OF RELATIONSHIP FROM PHYSICAL FEATURES

Book 8, Number 3439:

'A'isha (Allah be pleased with her) reported: Allah's Messenger (may peace be upon him) visited me looking pleased as if his face was glistening and said: Did you see that Mujazziz cast a glance at Zaid b. Haritha and Usama b. Zaid, and (then) said: Some (of the features) of their feet are found in the others?

Book 8, Number 3440:

'A'isha (Allah be pleased with her) reported: One day Allah's Apostle (may peace be upon him) visited me looking pleased and he said: 'A'isha, don't you see Mujazziz al-Mudliji? (He) entered (my house) and saw Usama and Zaid with a rug over them covering their heads, but their feet appeared, and (he) said: These feet are related to one another.

Book 8, Number 3441:

'A'isha (Allah be pleased with her) reported: A physiognomist visited (our house) and Allah's Messenger (may peace be upon him) was present, and Usama b. Zaid and Zaid b. Haritha were both lying asleep, and he (the physiognomist), said: These feet are related to one another. Allah's Apostle (may peace be upon him) was pleased to hear this, and he was happy and informed 'A'isha (Allah be pleased with her) about it.

Book 8, Number 3442:

A hadith like this has been narrated on the authority of Zuhri and Yunus said: Mujazziz was a physiognomist.

Chapter 32: HOW LONG AFTER MARRYING ONE SHOULD STAY WITH A VIRGIN OR A WOMAN PREVIOUSLY MARRIED

Book 8, Number 3443:

'Abd al-Malik b. Abu Bakr b. Abd al-Rahman b. al-Harith b. Hisham reported on the authority of his father from Umm Salama (Allah be pleased with her) that when Allah's Messenger (may peace be upon him) married Umm Salama, he stayed with her for three nights, and said: There is no lack of estimation on the part of your husband for you. If you wish I can stay with you for a week, but in case I stay with you for a week, then I shall have to stay for a week with all my wives.

Book 8, Number 3444:

Ibn Abu Bakr b. Abd al-Rahman reported that when Allah's Messenger (may peace be upon him) married Umm Salama and she stayed with him (during the night), and it was dawn, he (the Holy Prophet) said to her: There is no lack of estimation for you on the part of your husband. So if you desire I can spend a week with you, and if you like I may spend three (nights). and then I will visit you in turn. She said: Spend three (nights).

Book 8, Number 3445:

Abu Bakr b. 'Abd al-Rahman reported that when Allah's Messenger (may peace be upon him) married Umm Salama and he visited her, and when he intended to come out, she caught hold of his cloth. whereupon Allah's Messenger (may peace be upon him) said: If you so desire, I can extend the time (of my stay) with you, but then I shall have to calculate the time (that I stay with you and shall have to spend the same time with other wives). For the virgin woman, (her husband has to stay with her) for a week, and for the woman previously married it is three days.

Book 8, Number 3446:

A hadith like this has been narrated on the authority of Ibn Humaid.

Book 8, Number 3447:

Umm Salama (Allah be pleased with her) reported that Allah's Messenger (may peace be upon him) married her, and he (the narrator) made mention of so many things in this connection (and one of them

was this) that he said: If you desire that I spend a week with you, I shall have to spend a week with my (other) wives, and if spend a week with you, I shall have to spend a week with my (other) wives.

Book 8, Number 3448:

Anas b. Malik reported: When anyone who has already a wife marries virgin, he should stay with her for seven nights (and then turn to his other wife), but when anyone having a virgin with him (as his wife) marries a woman who has been previously married he should stay with her for three nights. Khalid (one of the narrators) said. If I were to say that it could be directly traced to the Holy Prophet (may peace be upon him). I would have told the truth, but he (Hadrat Anas) said: Such is the tradition.

Book 8, Number 3449:

Abu Qilaba reported on the authority of Anas: It is the Sunnph to stay with a virgin (after having married her) for a week. Khalid (one of the narrators) said: If wish I can say that it can be traced up to the Holy Prophet (may peace be upon him).

Chapter 33: SHARING VISITS TO ONE'S WIVES EQUALLY

Book 8, Number 3450:

Anas (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) had ninewives. So when he divided (his stay) with them, the turn of the first wife did not come but on the ninth (day). They (all the wives) used to gather every night in the house of one where he had to come (and stay that night). It was (the night when he had to stay) in the house of 'A'isha (Allah be pleased with her), when Zainab came there. He (the Holy Prophet) stretched his hand towards her (Zainab), whereupon she ('A'isha) said: It is Zainab. Allah's Apostle (may peace be upon him) withdrew his hand. There was an altercation between the two until their voices became loud (and it was at that time) when Iqama was pronounced for prayer. There happened to come Abu Bakr and he heard their voices and said: Messenger of Allah, (kindly) come for prayer, and throw dust in their moths. So the Prophet (may peace be upon him) went out. 'A'isha said: When Allah's Apostle (may peace be upon him) would finish his prayer there would also come Abu Bakr and he would do as he does (on such occasions, i. e. reprimanding). When Allah's Apostle (may peace be upon him) had finished his prayer, there came to her Abu Bakr. and spoke to her ('A'isha) in stern words and said: Do you behave like this?

Chapter 34: PERMISSIBILITY OF BESTOWING THE TURN ON ONE'S FELLOW-WIFE

Book 8, Number 3451:

'A'isha (Allah be pleased with her) reported: Never did I find any woman more loving to me than Sauda bint Zam'a. I wished I could be exactly like her who was passionate. As she became old, she had made over her day (which she had to spend) with Allah's Messenger (may peace be upon him) to 'A'isha. She said: I have made over my day with you to 'A'isha. So Allah's Messenger (may peace be upon him) allotted two days to 'A'isha, her own day (when it was her turn) and that of Sauda.

Book 8, Number 3452:

A hadith like this has been transmitted on the authority of Hisham with the same chain of narrators (and the words are): When Sauda became old (the rest of the hadith is the same) and in the narration of Sharik there is an addition (of these words:" She was the first woman whom he (Allah's Apostle) married after me."

Book 8, Number 3453:

'A'isha (Allah be pleased with her) reported: I felt jealous of the women who offered themselves to Allah's Messenger (may peace be upon him) and said: Then when Allah, the Exalted and Glorious, revealed this:" You may defer any one of them you wish, and take to yourself any you wish; and if you desire any you have set aside (no sin is chargeable to you)" (xxxiii. 51), I ('A'isha.) said: It seems to me that your Lord hastens to satisfy your desire.

Book 8, Number 3454:

Hisham reported on the authority of his father that 'A'isha (Allah be pleased with her) used to say: Does the woman not feel shy of offering herself to a man? Then Allah the Exalted and Glorious revealed this verse:" You may defer any of them you wish and take to yourself any you wish." I ('A'isha said): It seems to me that your Lord hastens to satisfy your desire.

Book 8, Number 3455:

'Ata related that when they were with Ibn 'Abbas (Allah be pleased with them) at the funeral of Maimuna In Sarif, Ibn 'Abbas (Allah be pleased with them) said: This is the wife of Allah's Apostle (may peace be upon him) ; so when you lift her bier, do not shake her or disturb her, but be gentle, for Allah's Messenger (may peace be upon him) had nine wives, with eight of whom he shared his time, but to one of them, he did not allot a share. 'Ati said: The one to whom he did not allot a share of time was Safiyya, daughter of Huyayy b. Akhtab.
Book 8, Number 3456:
Ibn Juraij narrated a hadith with the same chain of transmitters, and she (Hadrat Maimuna) was the last of them to die at Medina.
Chapter 35: EXCELLENCE OF CONTRACTING MARRIAGE WITH A PIOUS LADY
Book 8, Number 3457:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: A woman may be married for four reasons: for her property, her status. her beauty and her religion, so try to get one who is religious, may your hand be besmeared with dust.
Chapter 36: EXCELLENCE OF MARRYING A VIRGIN
Book 8, Number 3458:
Jabir b. 'Abdullah (Allah be pleased with them) reported: I married a woman during the lifetime of Allah's Messenger (may peace be. upon him). I met the Apostle of Allah (may peace be upon him), whereupon he said: Jabir, have you married? I said: Yes. He said: A virgin or one previously marrried? I said: With due previously married, whereupon he said: Why did you not marry a virgin with whom you could sport? I said: Allah's Messenger, I have sisters; I was afraid that she might intervene between me and them, whereupon he said: Well and good, if it is so. A woman is married for four reasons, for her religion, her property, her status, her beauty, so you should choose one with religion. May your hands cleave to dust.
Book 8, Number 3459:
Jabir b. 'Abdullah (Allah be pleased with them) reported: I married a woman, whereupon Allah's Messenger (may peace be upon him) said to me: Have you married? I said: Yes. He said: Is it a virgin or a previously married one (widow or divorced)? I said: With a previously married one, whereupon he said: Where had you been (away) from the amusements of virgins? Shu'ba said: I made a mention of it to 'Amr b. Dinar and he said: I too heard from Jabir making mention of that (that Allah's Apostle) said: Why didn't you marry a girl, so that you might sport with her and she might sport with you?
Book 8, Number 3460:
Jabir b. 'Abdullah (Allah be pleased with them) reported: 'Abdullah died and he left (behind him) nine or seven daughters. I married a woman who had been previously married. Allah's Messenger (may peace be upon him) said to me: Jabir, have you married? I said: Yes. He (again) said: A virgin or one previously married? I said: Messenger of Allah, with one who was previously married, whereupon he said: Why didn't you marry a young girl so that you could sport with her and she could sport with you, or you could amuse with her and she could amuse with you? I said to him: 'Abdullah died (he fell as martyr in Uhud) and left nine or seven daughters behind him; I, therefore, did not approve of the idea that I should bring a (girl) like them, but I preferred to bring a woman who should look after them and teach them good manners, whereupon he (Allah's Messenger) said: May Allah bless you, or he supplicated (for the) good (to be) conferred on me (by Allah).
Book 8, Number 3461:
Jabir b. 'Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) said to me: Jabir, have you married? The rest of the hadith is the same up to (the words):" The woman would look after them and comb them." He (Allah's Messenger), said: You did well. But no mention is made of the subsequent portion.
Book 8, Number 3462:
Jabir b. 'Abdullah (Allah be pleased with them) reported: We were with Allah's Messenger (may peace be upon him) in an expedition. When we returned I urged my camel to move quickly as it was slow. There met me a rider from behind me and he goaded it with an iron-tipped stick which he had with him. My camel moved forward like the best that you have ever seen. As I turned (my face) I

found him to be Allah's Messenger (may peace be upon him) He said: Jabir, what hastens you? I said: Messenger of Allah, I am newly wedded. whereupon he said: Is it a virgin that you have married or one previously married? I said: With one previously married. He said: Why not a young girl so that you could play with her and she could play with you? Then when we arrived at and were about to enter Medina he said: Wait, so that we may enter by night (i. e. in the evening) in order that the woman with dishevelled hair may comb it, and the woman whose husband had been away may get herself clean; and when you enter (then you have the) enjoyment (of tho wife's company).

Book 8, Number 3463:

Jabir b. 'Abdullah (Allah be pleased with him) reported: I went out with Allah's Messenger (may peace be upon him) on an expedition, but my camel delayed me. Allah's Messenger (may peace be upon him) came to me and said to me: Jabir, I said: Yes. Allah's Messenger, (here I am at your beck and call) He said: What is the matter with you? I said: My camel has delayed me and is tired, so I have lagged behind. He (the Holy Prophet) got down and goaded it with a crooked stick and then said: Mount it. So I mounted and (to my great surprise) I saw it (moving so quickly that) I had to restrain it (from going ahead of) Allah's Messenger (may peace be upon him). He (the Holy Prophet) (in the course of journey said to me): Have you married? I said: Yes. He (again) said: Is it with a virgin or one previously married? I said. With one previously married, whereupon he (again) said: Why not with a young girl with whom you could sport and she could have sported with you? I said: I have sisters, so I preferred to marry a woman who could keep them together (as one family). who could comb them and look after them. He said: You are about to go (to your house), and there you have the enjoyment (of the wife's company). He again said: Do you want to sell your camel? I said: Yes. So he bought it from me for one u'qiya (of silver), Then Allah's Messenger (may peace be upon him) arrived (at Medina) and I arrived in the evening. I went to the mosque and found him at the door of the mosque, and said: Is it now that you have arrived? I said: Yes, He said: Leave your camel, and enter (the mosque) and offer two rak'ahs. So I entered and offered two rak'ahs of prayer, and then returned. He (the Holy Prophet) then commanded Bilal to weigh out one 'uqiya (of silver) tor me. Bilal weighed that out for me (lowering the scale of) balance. So I proceeded and as I turned my back he said: Call for me, Jabir. So I was called back, and I said (to myself): He would return me the camel, and nothing was more displeasing to me than this (that after having received the price I should also get the camel). He said: Take your camel and keep its price with you, (also).

Book 8, Number 3464:

Jabir b. 'Abdullah (Allah be pleased with them) reported: We were with Allah's Messenger (may peace be upon him) in a journey, and I was riding a camel meant for carrying water and it lagged behind all persons. Allah's Messenger (may peace be upon him) hit it or goaded it (I think) with something he had with him. And after it (it moved so quickly) that it went ahead of all persons and it struggled with me (to move faster than I permitted It) and I had to restrain it. Allah's Messenger (may peace be upon him) said: Do you sell it at such and such (price)? May Allah grant you pardon. I said: Allah's Apostle, it is yours. He (again) said: Do you sell it at such and such (price)? May Allah grant you pardon. ' I said: Allah's Apostle, it is yours. He said to me: Have you married after the death of your father? I said: Yes. He (again) said: With one previously married or a virgin? I said: With one previously married. He said: Why didn't you marry a virgin who might amuse you and you might amuse her, and she might sport with you and you might sport with her? Abu Nadra said: That was the common phrase which the Muslims spoke:" You do such and such (thing) and Allah may grant you pardon."

Chapter 37: THE GOOD OF THIS WORLD IS THE PIOUS WOMAN

Book 8, Number 3465:

'Abdullah b. Amr reported Allah's Messenger (may peace be upon him) as saying: The whole world is a provision, and the best object of benefit of the world is the pious woman.

Chapter 38: ADVICE IN REGARD TO WOMEN

Book 8, Number 3466:

AbuHuraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Woman is like a rib. When you attempt to straighten it, you would break it. And if you leave

her alone you would benefit by her, and crookedness will remain in her. A hadith like this is reported by another chain of narrators

Book 8, Number 3467:

Abu Huraira (Allah be pleased with him) reported: Woman has been created from a rib and will in no way be straightened for you; so if you wish to benefit by her, benefit by her while crookedness remains in her. And if you attempt to straighten her, you will break her, and breaking her is divorcing her.

Book 8, Number 3468:

Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: He who believes in Allah and the Hereafter, if he witnesses any matter he should talk in good terms about it or keep quiet. Act kindly towards woman, for woman is created from a rib, and the most crooked part of the rib is its top. If you attempt to straighten it, you will break it, and if you leave it, its crookedness will remain there. So act kindly towards women.

Book 8, Number 3469:

Ab Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: A believing man should not hate a believing woman; if he dislikes one of her characteristics, he will be pleased with another.

Book 8, Number 3470:

A hadith like this has been narrated on the authority of Abu Huraira (Allah be pleased with him).

Book 8, Number 3471:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Had it not been for Eve, woman would have never acted unfaithfully towards her husband.

Book 8, Number 3472:

Hammam b. Munabbih said: These are some of the ahadith which Abu Huraira (Allah be pleased with him) narrated to us from Allah's Messenger (may peace be upon him), and one of these (this one): Allah's Messenger (may peace be upon him) said: Had it not been for Bani Isra'il, food would not have become stale, and meal would not have gone bad; and had it not been for Eve, a woman would never have acted unfaithfully toward her husband.

Book 9: The Book of Divorce (Kitab Al-Talaq)

INTRODUCTION

The Arabic word for divorce is talaq which means" freeing or undoing the knot" (Imam Raghib). In the terminology of the jurists. Talaq signifies the dissolution of marriage, or the annulment of its legality by the pronouncement of certain words.

Divorce is of three kinds: the Ahsan, or most laudable, the Hasan, or laudable, and the Bid'a or irregular.

Talaq Ahsan or the most laudable divorce is where the husband repudiates his wife by making one pronouncement within the term of Tahr (purity. when the woman is not passing through the period of menses) during which he has not had sexual intercourse with her, and she is left to observe her 'Idda.

Talaq Hasan or laudable divorce is where a husband repudiates an enjoyed wife by three sentences of divorce, in three Tuhrs

Talaq Bid'a or irregular divorce is where a husband repudiates his wife by three divorces at once. According to the majority of the jurists, the Talaq holds good, but it is against the spirit of the Shari'ah, and, therefore, the man who follows this course in divorce is an offender in the eye of Islamic Law.

The right of woman in demanding the dissolution of marriage is known as Khula' (meaning, literally, the putting off or taking off a thing). It is a kind of facility provided to the wife in securing Talaq from her husband by returning a part or full amount of the bridal gift.

We have described before that, according to Islam, marriage is a civil contract; yet the rights and responsibilities consequent upon it are of such importance to the welfare of humanity that a high degree of sanctity is attached to it. But, in spite of the sacredness of the character of the marriage tie, Islam recognises the eternity of divorce in cases when marital relations are poisoned to a degree which makes a peaceful home life impossible. But Islam does not believe in unlimited opportunities for

divorce on frivolous and flimsy grounds, because any undue increase in tht facilities for divorce would destroy the stability of family life. Therefore, while allowing divorce even on genuine grounds, Islam has taken great care to introduce checks designed to limit the use of available facilities. The French legists Planiol and Ripert have explicitly emphasised Islam's point of view in regard to divorce in these words:" Divorce is a mischief. However, it is a measure that cannot be avoided for the welfare of the community, because it is the only remedy for another harm which may be wore dangerous The prohibition of divorce, whatever harm it may imply, is like the prohibition of surgery, because the surgeon is compelled to amputate some of the limbs of the patient's body. However, there is no danger whatsoever, in legislating for divorce (in accordance with the practice established by Islam) since it is not divorce that spoils married life and dissolves its sacred tie, but the misunderstanding that arises between the married couple and hinders the strengthening of this (union by marriage) and demolished it. Divorce alone puts an end to the hatred that may occur between the husband and his wife before it is aggravated and becomes an intolerable mischief to society" (quoted by Hasan Ibrihim Hasan, Islam, Religious, Political. Social and Economic Study, p. 274).

Chapter 1: IT IS FORBIDDEN TO DIVORCE THE WOMAN DURING HER MENSES

Book 9, Number 3473:

Ibn 'Umar (Allah be pleased with them) reported that he divorced his wife while she was menstruating during the lifetime of Allah's Messenger (may peace be upon him). 'Umar b. Khattib (Allah be pleased with him) asked Allah's Messenger (may peace be upon him) about it, whereupon Allah's Messenger (may peace be upon him) said: Command him ('Abdullah b. 'Umar) to take her back (and keep her) and pronounce divorce when she is purified and she again enters the period of menstruation and she is again purified (after passing the period of menses), and then if he so desires he may keep her and if he desires divorce her (finally) before touching her (without having an intercourse with her), for that is the period of waiting ('ldda) which God, the Exalted and Glorious, has commanded for the divorce of women.

Book 9, Number 3474:

Abdullah (b. 'Umar) reported that he divorced a wife of his with the pronouncement of one divorce during the period of menstruation. Allah's Messenger (may peace be upon him) commanded him to take her back and keep her until she was purified, and then she entered the period of menses in his (house) for the second time. And he should wait until she was purified of her menses. And then if he would decide to divorce her, he should do so when she was purified before having a sexual intercourse with her; for that was the 'Idda which Allah had commanded for the divorce of women. Ibn Rumh in his narration made this addition: When 'Abdullah was asked about it, he said to one of them: If you have divorced your wife with one pronouncement or two (then you can take her back), for Allah's Messenger (may peace be upon him) commanded me to do it; but if you have divorced her with three pronouncements, then she is forbidden for you until she married another husband, and you disobeyed Allah in regard to the divorce of your wife what He had commanded you. (Muslim said: The word" one divorce" used by Laith is good.)

Book 9, Number 3475:

Ibn Umar (Allah be pleased with them) reported: I divorced my wife during the lifetime of Allah's Messenger (may peace be upon him) when she was in the state of menses. 'Umar (Allah be pleased with him) made a mention of it to Allah's Messenger (may peace be upon him), whereupon he said: Command him to take her back and leave her (in that state) until she is purified. Then (let her) enter the period of second menses, and when she is purified, then divorce her (finally) before having a sexual intercourse with her, or retain her (finally). That is the 'Idda (the prescribed period) which Allah commanded (to be kept in view) while divorcing the women. 'Ubaidullah reported: I said to Nafi': What became of that divorce (pronounced within 'Idda)? He said: It was as one which she counted.

Book 9, Number 3476:

A hadith like this has been narrated on the authority of 'Ubaidullah, but he made no mention of the words of Ubaidullah that he said to Nafi'.

Book 9, Number 3477:

Ibn 'Umar (Allah be pleased with them) reported that he divorced his wife during the period of menses. 'Umar (Allah be, pleas'ed with him) asked Allah's Apostle (may peace be upon him), and he commanded him ('Abdullah b. 'Umar) to have her back and then allow her respite until she enters the period of the second menses, and then allow her respite until she is purified, then divorce her (finally) before touching her (having a sexual intercourse with her), for that is the prescribed period which Allah commanded (to be kept in view) for divorcing the women. When Ibn 'Umar (Allah be pleased with them) was asked about the person who divorces his wife in the state of menses, he said: If you pronounced one divorce or two, Allah's Messenger (may peace be upon him) had commanded him to take her back, and then allow her respite until she enters the period of the second menses, and then allow her respite until she is purified, and then divorce her (finally) before touching her (having a sexual intercourse with her) ; and if you have pronounced (three divorces at one and the same time) you have in fact disobeyed your Lord with regard to what He commanded you about divorcing your wife. But she is however (finally separated from you).

Book 9, Number 3478:

Abdullah b. 'Umar (Allah be pleased with them) reported: I divorced my wife while she was in the state of menses. 'Umar (Allah be pleased with him) made mention of it to Allah's Apostle (may peace be upon him) and he was enraged and he said: Command him to take her back until she enters the second ensuing menses other than the one in which he divorced her and in case he deems proper to divorce her, he should pronounce divorce (finally) before touching her (in the period) when she is purified of her menses, and that is the prescribed period in regard to divorce as Allah has commanded. 'Abdullah made a pronouncement of one divorce and it was counted in case of divorce. 'Abdullah took her back as Allah's Messenger (may peace be upon him) had commanded him. A hadith like this was reported on the authority of Zuhri with the same chain of narrators. Ibn Umar (Allah be pleased with them), however, said: I took her back, and counted this pronouncement of divorce (as valid) with which I divorced her.

Book 9, Number 3479:

Ibn 'Umar (Allah be pleased with them) reported that he divorced his wife while she was in the state of menses. 'Umar (Allah be pleased with him) made mention of it to Allah's Apostle (may peace be upon him) and he said: Command him to take her back, then divorce her when she is pure or she is pregnant.

Book 9, Number 3480:

Ibn 'Umar (Allah be pleased with them) reported that he divorced his wife while she was in her menses. 'Umar (Allah be pleased with him) asked Allah's Apostle (may peace be upon him) about that, and he said: Command him to take her back until she is pure and then she enters the second menses and then becomes pure. Then either divorce her (finally) or retain her.

Book 9, Number 3481:

Ibn Sirin reported: One who was blameless (as a narrator) narrated to me for twenty years that Ibn 'Umar (Allah be pleased with him) pronounced three divorces to his wife while she was in the state of menses. He was commanded to take her back. I neither blamed them (the narrators) nor recognised the hadith (to be perfectly genuine) until I met Abu Ghallab Yunus b. Jubair al-Bahili and he was very authentic, and he narrated to me that he had asked Ibn 'Umar (Allah be pleased with there) and he narrated it to him that he made one pronouncement of divorce to his wife as she was in the state of menses, but he was commanded to take her back. I said: Was it counted (as one pronouncement)? He said: Why not, was I helpless or foolish?

Book 9, Number 3482:

A hadith like this has been transmitted on the authority of Ayyub with a slight variation of words.

Book 9, Number 3483:

Ayyub reported a hadith like this with the same chain of narrators and he said: Umar (Allah be pleased with him) asked Allah's Apostle (may peace be upon him) about it and he commanded him that he should take her back until she is divorced in the state of purity without having a sexual intercourse with her, and said: Divorce her in the beginning of her 'Idda or her 'Idda commences.

Book 9, Number 3484:

Yunus b. Jubair reported: I said to Ibn'Umar (Allah be pleased with them): A person divorcedhis wife while she was in the state of menses, whereupon he said: Do you know 'Abdullah b. Umar (Allah be pleased with them), for he divorced his wife in the state of menses. 'Umar (Allah be pleased with him) came to Allah's Apostle (may peace be upon him) and asked him, and he (the Holy Prophet) commanded him that he should take her back, and she started her 'Idda. I said to him: When a person divorces his wife, and she is in the state of menses, should that pronouncement of divorce be counted? He said: Why not, was he hopless or foolish?
Book 9, Number 3485:
Ibn 'Umar (Allah be pleased with them) reported: I divorced my wife while she was in the state of menses. 'Umar (Allah he pleased wish him) came toAllah's Apostle (may peace be upon him) and made mention of that to him, whereupon Allah's Apostle (may peace be upon him) told that be should take her back, and when she is pure he may divorce her. if he would so wish. I (one of the narrators) said to Ibn 'Umar (Allah be pleased with them): Did you count (this pronouncement of divorce) in her case? He said: What (after all) prevents him from doing so? Do you find him (Ibn Umar) either helpless or foolish?
Book 9, Number 3486:
Anas b. Sirin reported: I asked Ibn 'Umar (Allah be pleased with them) about the woman whom he had divorced. He said: I divorced her while she was in the state of menses. It was mentioned to 'Umar (Allah be pleased with him) and he then made a mention of that to Allah's Apostle (may peace be upon him), whereupon he said: Command him to take her back and when the period of menses is over, then (he may divorce her in the state of her purity. He (Ibn Umar) said: So I took her back, then divorced her in her purity. I (the narrator) said: Did you count that divorce which you pronounced in the state of menses? He said: Why should I not have counted that? Was I helpless or foolish?
Book 9, Number 3487:
Anas b. Sirin reported that he had heard Ibn 'Umar (Allah be pleased with them) as saying. I divorced my wife while she was in the state of menses. 'Umar (Allah be pleased with him) came to Allah's Apostle (may peace be upon him) and informed him about it, whereupon he (Allah's Apostle) said: Command him to take her back and when she is pure, then divorce her. I said to Ibn 'Umar Allah be pleased with them): Did you count that pronouncement of divorce? He said: Why not? This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters but with a slight variation in wording.
Book 9, Number 3488:
Ibn Tawus narrated on the authority of his father that Ibn 'Umar (Allah be pleased with them) was asked about the person who divorced his wife in the state of menses, whereupon he said: Do you know 'Abdullah b. Umar? He said: Yes. He said: It was he who divorced his wife jn the state of menses and 'Umar went to Allah's Apostle (may peace be upon him) and gave him this information. and he commanded him that he should take her back; and he (Abu Tawus) said: I did not hear any addition to this (hadith) from my father.
Book 9, Number 3489:
Abu Zubair reported that he heard 'Abd al-Rahman b. Aiman (the freed slave of 'Azza) say that he asked Ibn 'Umar (Allah be pleased with them) and Abu Zubair heard: What is your opinion about the person who divorced his wife in the state of menses? Thereupon he said: Ibn Umar (Allah be pleased with them) divorced his wife during the lifetime of Allah's Messenger (may peace be upon him) while she was in the state of menses. Upon this Allah's Messenger (may peace be upon him) told him to take her back and so he took her back and he (further) said: When she is pure, then either divorce her or retain her. Ibn 'Umar (Allah be pleased with them) said that Allah's Apostle (may peace be upon him) then recited this verse:" O Apostle, when you divorce women, divorce them at the commencement of their prescribed period" (Ixv 1).
Book 9, Number 3490:
A hadith like this is reported on the same authority (but with this difference that the narrator) 'Abd al-Rahman b. Aiman (was mentioned) as the freed slave of 'Urwa (Imam Muslim said: He made a mistake who said that it was 'Urwa; it was in fact the freed slave of 'Azza.)

Chapter 2: PRONOUNCEMENT OF THREE DIVORCES

Book 9, Number 3491:

Ibn 'Abbas (Allah be pleased with them) reported that the (pronouncement) of three divorces during the lifetime of Allah's Messenger (may peace be upon him) and that of Abu Bakr and two years of the caliphate of Umar (Allah be pleased with him) (was treated) as one. But Umar b. Khattab (Allah be pleased with him) said: Verily the people have begun to hasten in the matter in which they are required to observe respite. So if we had imposed this upon them, and he imposed it upon them.

Book 9, Number 3492:

Abu Sahba' said toIbn 'Abbas (Allah be pleased with them): Do you know that three (divorces) were treated as one during the lifetime of Allah's Apostle (may peace be upon him), and that of Abu Bakr, and during three (years) of the caliphate of Umar (Allah be pleased with him)? Ibn Abbas (Allah be pleased with them) said: Yes.

Book 9, Number 3493:

Abu al-Sahba' said to Ibn 'Abbas: Enlighten us with your information whether the three divorces (pronounced at one and the same time) were not treated as one during the lifetime of Allah's Messenger (may peace be upon him) and Abu Bakr. He said: It was in fact so, but when during the caliphate of 'Umar (Allah be pleased with him) people began to pronounce divorce frequently, he allowed them to do so (to treat pronouncements of three divorces in a single breath as one).

Chapter 3: ATONEMENT IS ESSENTIAL FOR ONE WHO MADE HIS WIFE UNLAWFUL FOR HIMSELF WITHOUT THE INTENTION OF DIVORCE

Book 9, Number 3494:

Ibn Abbas (Allah be pleased with them) reported about (declaring of one's woman) unlawful as an oath which must be atoned, and Ibn 'Abbas said: Verily, there is in the Messenger of Allah (may peace be upon him) a model pattern for you.

Book 9, Number 3495:

Ibn Abbas (Allah be pleased with them) reported: When a man declares his wife unlawful for himself that is an oath which must be atoned, and he said: There is in the Messenger of Allah (may peace be upon him) a noble pattern for you.

Book 9, Number 3496:

'A'isha (Allah be pleased with her) narrated that Allah's Apostle (may peace be upon him) used to spend time with Zainab daughter of Jahsh and drank honey at her house. She ('A'isha further) said: I and Hafsa agreed that one whom Allah's Apostle (may peace be upon him) would visit first should say: I notice that you have an odour of the Maghafir (gum of mimosa). He (the Holy Prophet) visited one of them and she said to him like this, whereupon he said: I have taken honey in the house of Zainab bint Jabsh and I will never do it again. It was at this (that the following verse was revealed): 'Why do you hold to be forbidden what Allah has made lawful for you... (up to). If you both ('A'isha and Hafsa) turn to Allah" up to:" And when the Holy Prophet confided an information to one of his wives" (lxvi. 3). This refers to his saying: But I have taken honey.

Book 9, Number 3497:

'A'isha (Allah be pleased with her) reported Allah's Messenger (may peace be upon him) liked sweet (dish) and honey. After saying the afternoon prayer he used to visit his wives going close to them. So he went to Hafsa and stayed with her more than what was his usual stay. I ('A'isha) asked about that. It was said to me: A woman of her family had sent her a small vessel of honey as a gift, and she gave to Allah's Messenger (may peace be upon him) from that a drink. I said: By Allah, we would also contrive a device for him. I mentioned that to Sauda, and said: When he (Allah's Apostle) would visit you and draw close to you, say to him: Allah's Messenger, have you taken maghafir? And he would'say to you: No. Then say to him: What is this odour? And Allah's Messenger (may peace be upon him) felt it very much that unpleasant odour should emit from him. So he would say to you: Hafsa has given me a drink of honey. Then you should say to him: The honey-bees might have sucked 'Urfut, and I would also say the same to him and. Safiyya, you should also say this. So when he (the Holy Prophet) came to Sauda, she said: By Him besides whom there is no god, it was under compulsion that I had decided to state that which you told me when he would be at a little distance at

the door. So when Allah's Messenger (may peace be upon him) came near, she said: Messenger of Allah, did you eat Maghafir? He said: No. She (again) said: Then what is this odour? He said: Hafsa gave me honey to drink. She said: The honey-bee might have sucked 'Urfut. When he came to me I told him like this. He then visited Safiyya and she also said to him like this. When he (again) visited Hafsa, she said: Messenger of Allah, should I not give you that (drink)? He said: I do not need that. Sauda said: Hallowed be Allah, by Him we have (contrived) to make that (honey) unlawful for him. I said to her: Keep quiet. This hadith has been narrated on the authority of 'Urwa with the same chain of transmitters.

Chapter 4: MERE GIVING OF OPTION OF DIVORCE TO WOMEN DOES NOT MAKE THE DIVORCE EFFECTIVE, BUT WHEN IT IS REALLY INTENDED

Book 9, Number 3498:

'A'isha (Allah be pleased with her) reported: When the Messenger of Allah (may peace be upon him) was commanded to give option to his wives, he started it from me saying: I am going to mention to you a matter which you should not (decide) in haste until you have consulted your parents. She said that he already knew that my parents would never allow me to seek separation from him She said: Then he said: Allah, the Exalted and Glorious, said: Prophet, say to thy wives: If you desire this world's life and its adornment, then come, I will give you a provision and allow you to depart a goodly departing; and if you desire Allah and His Messenger and the abode of the Hereafter, then Allah has prepared for the doers of good among you a great reward She is reported to have said: About what should I consult my parents, for I desire Allah and His Messenger and the abode of the Hereafter? She ('A'isha) said: Then all the wives of Allah's Messenger (may peace be upon him) did as I had done.

Book 9, Number 3499:

'A'isha (Allah be pleased with her) reported that Allah's Messenger (may peace be upon him) sought our permission when he had a (turn to spend) a day with (one of his wives) amongst us (whereas he wanted to visit his other wives too). It was after this that this verse was revealed:" Thou mayest put off whom thou pleasest of them, and take for thee whom thou pleasest" (xxxiii. 5). Mu'adha said to her: What did you say to Allah's Messenger (may peace be upon him) when he sought your permission? She said: I used to say: If it had the option in this I would not have (allowed anyone) to have precedence over me.

Book 9, Number 3500:

'A'isha reported: Allah's Messenger (may peace be upon him) gave us the option (to get divorce) but we did not deem it as divorce.

Book 9, Number 3501:

Masruq reported: I do not mind if I give option to my wife (to get divorce) once, hundred times, or thousand times after (knowing it) that she has chosen me (and would never seek divorce). I asked 'A'isha (Allah be pleased with her) (about it) and she said: Allah's Messenger (may peace be upon him) gave us the option, but did it imply divorce? (It was in fact not a divorce; it is effective when women actually avail themselves of it.)

Book 9, Number 3502:

'A'isha reported that Allah's Messenger (may peace be upon him) gave option to his wives, but it was not a divorce.

Book 9, Number 3503:

'A'isha (Allah be pleased with her) reported: Allah's Messenger (may peace be upon him) gave us the option (to get divorce) and we chose him and he did not count it a divorce.

Book 9, Number 3504:

'A'isha (Allah be pleased with her) reported: Allah's Messeinger (may peace be upon him) gave us the option (to get divorce), but me made a choice of him and he did not count anything (as divorce) in regard to us.

Book 9, Number 3505:

A hadith like this has been transmitted on the authority of 'A'isha through another chain of narrators.

Book 9, Number 3506:

Jabir b. 'Abdullah (Allah be pleased with them) reported: Abu Bakr (Allah be pleased with him) came and sought permission to see Allah's Messenger (may peace be upon him). He found people sitting at his door and none amongst them had been granted permission, but it was granted to Abu Bakr and he went in. Then came 'Umar and he sought permission and it was granted to him, and he found Allah's Apostle (may peace be upon him) sitting sad and silent with his wives around him. He (Hadrat 'Umar) said: I would say something which would make the Holy Prophet (may peace be upon him) laugh, so he said: Messenger of Allah, I wish you had seen (the treatment meted out to) the daughter ofKhadija when you asked me some money, and I got up and slapped her on her neck. Allah's Messenger (mav peace be upon him) laughed and said: They are around me as you see, asking for extra money. Abu Bakr (Allah be pleased with him) then got up went to 'A'isha (Allah be pleased with her) and slapped her on the neck, and 'Umar stood up before Hafsa and slapped her saying: You ask Allah's Messenger (may peace be upon him) which he does not possess. They said: By Allah, we do not ask Allah's Messenger (may peace be upon him) for anything he does not possess. Then he withdrew from them for a month or for twenty-nine days. Then this verse was revealed to him:" Prophet: Say to thy wives... for a mighty reward" (xxxiii. 28). He then went first to 'A'isha (Allah be pleased with her) and said: I want to propound something to you, 'A'isha, but wish no hasty reply before you consult your parents. She said: Messenger of Allah, what is that? He (the Holy Prophet) recited to her the verse, whereupon she said: Is it about you that I should consult my parents, Messenger of Allah? Nay, I choose Allah, His Messenger, and the Last Abode; but I ask you not to tell any of your wives what I have said He replied: Not one of them will ask me without my informing her. God did not send me to be harsh, or cause harm, but He has sent me to teach and make things easy.

Chapter 5: ILA'AND KEEPING AWAY FROM THE WIVES

Book 9, Number 3507:

'Umar b. al-Khattab (Allah be pleased with him) reported: When Allah's Apostle (may peace be upon him) kept himself away from his wives, I entered the mosque, and found people striking the ground with pebblesand saying: Allah's Messenger (may peace be upon him) has divorced his wives, and that was before they were commanded to observe seclusion 'Umar said to himself: I must find this (actual position) today. So I went to 'A'isha (Allah be pleased with her) and said (to her): Daughter of Abu Bakr, have you gone to the extent of giving trouble to Allah's Messenger (may peace be upon him)? Thereupon she said: Son of Khattab, you have nothing to do with me, and I have nothing to do with you. You should look to your own receptacle. He ('Umar) said: I visited Hafsa daughter of 'Umar, and said to her: Hafsa, the (news) has reached me that you cause Allah's Messenger (may peace be upon him) trouble. You know that Allah's Messenger (may peace be upon him) does not love you, and had I not been (your father) he would have divorced you. (On hearing this) she wept bitterly. I said to her: Where is Allah's Messenger (may peace be upon him)? Shesaid: He is in the attic room. I went in and found Rabah, the servant of Allah's Messenger (may peace be upon him), sitting on the thresholds of the window dangling his feet on the hollow wood of the date-palm with the help of which Allah's Messenger (may peace be upon him) climbed (to the apartment) and came down. I cried: 0 Rabah, seek permission for me from Allah's Messenger (way peace be upon him). Rabah cast a glance at the apartment and then looked toward me but said nothing. I again said: Rabah, seek permission for me from Allah's Messenger (may peace be upon him). Rabah looked towards the apartment and then cast a glance at me, but said nothig. I then raised my voice and said: 0 Rabah, seek permission for me from Allah's Messenger (may peace be upon him). I think that Allah's Messenger (may peace be upon him) is under the impression that I have come for the sake of Hafsa. By Allah, if Allah's Messenger (may peace be upon him) would command me to strike her neck, I would certainly strike her neck. I raised my voice and he pointed me to climb up (and get into his apartment). I visited Allah's Messenger (may peace be upon him), and he was lying on a mat. I sat down and he drew up his lower garment over him and he had nothing (else) over him, and that the mat had left its marks on his sides. I looked with my eyes in the store room of Allah's Messenger (may peace be upon him). I found only a handful of barley equal to one sa' and an equal quantity of the leaves of Mimosa Flava placed in the nook of the cell, and a semi-tanned leather bag hanging (in one side), and I was moved to tears (on seeing this extremely austere living of the Holy Piophet), and he said: Ibn Khattab, what wakes you weep?

I said: Apostle of Allah, why should I not shed tears? This mat has left its marks on your sides and I do not see in your store room (except these few things) that I have seen; Ceasar and Closroes are leading their lives in plenty whereas you are Allah's Messenger. His chosen one, and that is your store! He said: Ibn Khattab, aren't you satisfied that for us (there should be the prosperity) of the Hereafter, and for them (there should be the prosperity of) this world? I said: Yes. And as I had entered I had seen the signs of anger on his face, and I therefore, said: Messenger of Allah, what trouble do you feel from your wives, and if youhave divorced them, verily Allah is with you, His angels, Gabriel, Mika'il, I and Abu Bakr and the believers are with you. And seldom I talked and (which I uttered on that day) I hoped that Allah would testify to my words that I uttered. And so the verse of option (Ayat al-Takhyir) was revealed. Maybe his Lord, if he divorce you, will give him in your place wives better than you..." (Ixv. 5). And if you back up one another against him, then surely Allah is his Patron, and Gabriel and the righteous believers, and the angels after that are the aidera (lvi. 4). And it was 'A'isha, daughter of Abu Bakr, and Hafsa who had prevailed upon all the wives of Allah's Prophet (way peace be upon him) for (pressing them for mote money). I said: Messenger of Allah, have you divorced them? He said: No. I said: Messenger of Allah, I entered the mosque and found the Muslims playing with pebbles (absorbed in thought) and saying: Allah's Messenger has divorced his wives. Should I get down and inform there that you have not divorced them? He said: Yes, if you so like. And I went on talking to him until I (found) the signs of anger disappeared on his face and (his seriousness was changed to a happy mood and as a result thereof) his face had the natural tranquillity upon it and he laughed and his teeth were the most charming (among the teeth) of all people. Then Allah's Apostle (may peace be upon him) climbed down and I also climbed down and catching hold of the wood of the palm-tree and Allah's Messenger (may peace be upon him) came down (with such ease) as if he was walking on the ground, not touching anything with his hand (to get support). I said: Messenger of Allah, you remained in your apartment for twenty-nine days. He said: (At times) the month consists of twenty-nine days. I stood at the door of the mosque and I called out at the top of my voice: The Messenger of Allah (may peace be upon him) has not divorced his wives (and it was on this occasion that this) verse was revealed:" And if any matter pertaining to peace or alarm comes within their ken, they broadcast it; whereas, if they would refer it to the Apostle and those who have been entrusted with authority amongst them, those of them who are engaged in obtaining intelligence would indeed know (what to do with) it" (iv 83). And it was I who understood this matter, and Allah revealed the verse pertaining to option (given to the Holy Prophet (may peace be upon him in regard to the retaining or divorcing of his wives).

Book 9, Number 3508:

Abdullah b. Abbas (Allah be pleased with tlicm) reported: I intended to ask 'Umar b. al-Khattab (Allah be pleased with him) about a verse, but I waited for one year to ask him out of his fear, until he went out for Pilgrimage and I also accompanied him. As he came back and we were on the way he stepped aside towards an Arak tree to ease himself. I waited for him until he was free. I then walked along with him and said: Commander of the Faithful, who are the two among the wives of Allah's Messenger (may peace be upon him) who backed up one another (in their demand for extra money)? He said: They were Hafsa and 'A'isha (Allah be pleased with them). I said to him: It is for one year that I intended to ask you about this matter but I could not date so on account of the awe for you. He said: Don't do that. If you think that I have any knowledge, do ask me about that. And if I were to know that, I would inform you. He (the narrator) stated that 'Umar had said: By Allah, during the days of ignorance we had no regard for women until Allah the Exalt- ed revealed about them what He has revealed, and appointed (turn) for them what he appointed. He said: It so happened that I was thinking about some matter that my wife said: I wish you had done that and that. I said to her: It does not concern you and you should not feel disturbed in a matter which I intend to do. She said to me: How strange is it that you, O son of Khattab, do not like anyone to retort upon you, whereas your daughter retorts upon Allah's Messenger (may peace be upou him) until he spends the day in vexation. 'Umar said: I took hold of my cloak, then came out of my house until I visited Hafsa and said to her: O daughter, (I heard) that you retort upon Allah's Messenger (may peace be upon him) until he spends the day in vexation, whereupon Hafsa said: By Allah, we do retort upon him. I said: You should bear

in mind, my daughter, that I warn you against the punishment of Allah and the wrath of His Messenger (may peace be upon him). You may not be misled by one whose beauty has fascinated her, and the love of Allah's Messenger (may peace be upon him) for her. I ('Umar) then visited Umm Salama because of my relationship with her and I talked to her. Umm Salama said to me: Umar b. al-Khattab, how strange is it that you meddle with every matter so much so that you are anxious to interfere between Allah's Messenger (may peace be upon him) and his wives, and this perturbed me so much that I refrained from saying what I had to say, so I came out of her apartment, and I had a friend from the Anar.

When I had been absent (from the company of the Holy Prophet) he used to bring me the news and when he had been absent I used to bring him the news, and at that time we dreaded a king of Ghassan. It was mentioned to us that he intended to attack us, and our minds were haunted by him. My friend, the Ansari, came to me, and he knocked at the door and said: Open it, open it. I said: Has the Ghassani come? He said: (The matter is) more serious than that. The Messenger of Allah (may peace be upon him) has separated himself from his wives. I said: Let the nose of Hafsa and 'A'isha be besmeared with dust. I then took hold of my cloth and went out until I came and found Allah's Messenger (may peace be upon him) in his attic to which he climbed by means of a ladder made of date-palm, and the servant of Allah's Messenger (may peace be upon him) who was black had been sitting at the end of the ladder. I said: This is Umar. So permission was granted to me. I narrated this news to Allah's Messenger (may peace be upon him) and as I narrated the news concerning Umm Salama, Allah's Messenger (may peace be upon him) smiled. He was lying on the mat and there was nothing between him and that (mat), and under his head there was a pillow made of leather and it was stuffed with plam fibres and at his feet were lying a heap of sant tree (acacia niloctica, meant for dyeing) and near his head there was hanging a hide. And I saw the marks of the maton the side of Allah's Messenger (may peace be upon him), and so I wept. He said: What makes you weep? I said: Messenger of Allah, the Khusrau and the Ceasars (spendd their lives in) the midst of (luxuries), whereas you being Allah's Messenger (are leading your life in this poverty). Thereupon Allah's Messenger (may peace be upon him) said: Don't you like that they should have riches of their world, and you have the Hereafter.

Book 9, Number 3509:

Ibn Abbas (Allah be pleased with them) said: I came along with Umar until we reached Marr al-Zahran (the name of a place), and the rest of the hadith is the same as narrated by Sulaiman b. Bilal (except with) the variation (of words) that I said: (What) about these two women? He said: They were Hafsa and Umm Salama. And he made this addition: I came to the apartments and in every apartment there was (the noise) of weeping. And this addition was also made: And he (the Holy Prophet) had taken an oath of remaining away from them for a month, and when twenty-nine days had passed, he visited them.

Book 9, Number 3510:

Ibn Abbas (Allah be pleased with them) is reported to have said: I intended to ask Umar about those two ladies who had pressed for (worldly riches) during the lifetime of the Holy Prophet (may peace be upon him), and I kept waiting for one year, but found no suitable opportunity with him until I happened to accompany him to Mecca. And as he reached Marr al Zahran he went away to answer the call of nature, and he said (to me): Bring me a jug of water, and I took that to him. After having answered the call of nature, as he came back, I began to pour water (over his hands and feet), and I remembered (this event of separation of Allah's Apostle [may peace be upon him] from his wives). So I said to him: Commander of the Faithful, who are the two ladies (who had pressed the Holy Prophet [may peace be upon him] for providing comforts of life) and I had not yet finished my talk when he said: They were 'A'isha and Hafsa.

Book 9, Number 3511:

Ibn 'Abbas (Allah be pleased with them) reported. I had always been anxious to ask 'Umar (Allah be pleased with him) about the two ladies amongst the wives of Allah's Prophet (may peace be upon Lim) about whom Allah, the Exalted, said:" If you both turn in repentance to Allah, then indeed your hearts are inclined (to this)" (Ixvi. 4), until 'Umar (Allah be pleased with him) set out for Hajj and I also went along with him. And as we were going along a path, 'Umar (Allah be pleased with hiyn)

went aside and I also went aside with him with a jug (of water). He answered the call of nature, and then came to me and I poured water over his hands and he performed ablution I said: Commander of the Faithful, who are the two ladies amongst the wives of Allah's Prophet (may peace be upon him) about whom Allah, the Exalted and Majestic, said: 'If you both turn to Allah in repentance, then indeed your heart are inclined to it"? 'Umar (Allah he pleased with him) said: How strange is it for you, Ibn 'Abbas! (Zuhri said: By Allah, he disliked what he asked about, but did not keep it a secret.) He ('Umar) said: They are Hafsa and 'A'isha; and he then began to narrate the hadith and said: We were such people among the Quraish who dominated women, and as we reached Medina we found there people who were dominated by their women, and our women began to learn (the habits) of their women. He further said: And my house was situated in the suburb of Aledina in the tribe of Banu Umayya b. Zaid. One day I became angry with my wife and she retorted upon me. I did not like that she should retort upon me. She said: You disapprove of my retorting upon you By Allah, the wives of Allah's Apostle (may peace be upon him) retort upon him, and one of them detaches herself from him for the day until the night. So I ('Umar) went out and visited Hafsa and said: Do you retort upon Allah's Messenger (may peace be upon him)? She said: Yes. I said; Does any one of you detach herself from him from the day to the night? She said: Yes. He said: She who did like it amongst you in fact failed and incurred loss. Does everyone amongst you not fear the wrath of Allah upon her due to the wrath of His Messenger (may peace be upon him), and (as a result thereof) she may perish? So do not retort upon Allah's Messenger (may peace be upon him) and do not ask him for anything, but ask me that which you desire, (and the frank behaviour) of your companion may not mislead you, if she is more graceful and is dearer to Allah's Messenger (may peace be upon him) than you (meaning 'A'isha) (Allah be pleased with her).

He (Hadrat 'Umar further) said: I had a compalaion from the Ansar and, we used to remain in the company of the Messenger (may peace be upon him) turn by turn. He remained there for a day while I remained there on the other day, and he brought me the news about the revelation and other (matter), and I brought him (the news) like this. And we discussed that the Ghassanids were shoeing the horses in order to attack us. Id y companion once attended (the Apostle). and then came to me at night and knocked at my door and called me, and I came out to him, and he said: A matter of great importance has happened. I said: What is that? Have the Ghassanids come? He said: No, but even more serious and more significant than that: the Holy Prophet (may peace be upon him) has divorced his wives. I said: Hafsa has failed and has incurred loss. and I feared that it would happen. When it was dawn I observed the dawn prayer and dressed myself, and then came there (in the house of the Holy Prophet) and visited Hafsa, and she was weeping. I said: Has Allah's Messenger (may peace be upon him) divorced you (all)? She said: I do not know. He has, however, separated himself in his attic. I came to a black servant and said to him: Seek permission for 'Umar. He went in and then came to me and said: I made mention of you to him, but he kept quiet. I then went to the pulpit and sat there, and there was a group of people sitting by it and some of then were weeping. I sat there for some time, until I was overpowered (by that very idea) which was in my mind. I then came back to the boy and said to him: Seek permission for Umar. He went in and came to me and said: I made mention of you to him but he kept quiet. I was about to turn back when the boy called me and said: Go in; permission has been granted to you. I went in and greeted Allah's Messenger (may peace be upon him) and he was reclining against the couch of mat and it had left its marks upon his side. I said: Messenger of Allah, have you divorced your wives? He raised his head towards me and said: No. I said: Allah is the Greatest. Messenger of Allah, I wish if you had seen how we the people of Quraish had domination over women but when we came to Medina we found people whom their women dominated. So our women began to learn from their women. One dily I became angry with my wife and she began to retort upon me. I did not approve that she should retort upon me. She said: You do not like that I should retort upon you, but, by Allah. the wives of Allah's Apostle (may peace be upon him) retort upon him and any one of them separates herself from him for a day until night. I said: He who did that amongst them in fact failed and incurred loss. Does any of them feel sate from the wrath of Allahupon her due to the wrath of Allah's Messenger (may peace be upon him), and she has certainly perished. Allah's Messtnger (may peace be upon him) smiled, I said: Messenger of Allah, I visited Hafsa and

said: (The behaviour) of your companion ('A'isha) may not mislead you, If she is more graceful than you and is dearer to Allah's Messenger (may peace be upon him) than you.
Allah's Messenger (may peace be upon him) smiled for the second time. I said: Allah's Messenger, way I talk to you about agreeable things? He said: Yes. I sat down and lifted my head (to see things) in the house and, by Allah, I did not see anything significant besides three hides. I said: Messenger of Allah, supplicate the Lord that He should make (life) prosperous for your Ummah as He has made plentiful for the people of Persia and Rome (in spite of the fact) that they do no, worship Allah, the Exalted and Majestic, whereupon he (Allah's Messenger) sat up an I then said: Ibn Khattab, do you doubt that they are a nation whom their nice things have been given immediately in the life of this world. I said: Allah's Messenger! seek pardon for me. And he (Allah's Messenger) had taken an oath that he would not visit them for a month due to extreme annoyance with them until Allah showed His displeasure to him (Allah's Messenger). Zuhri said: 'Urwa informed me that 'A'Isha (Allah be pleased with her) said: When twenty-nine nights were over, Allah's Messenger (may peace be upon him) visited me, and he began (his visit) with me. I said: Messenger of Allah, you had taken an oath that you would not visit us for a month, while you have visited after I have counted only twenty-nine (nights). Thereupon he said: The month may also be of twenty-nine (days). He then said: 'A'isha, I am going to talk to you about a matter, and you should not be hasty in it (and do not give your final decision) until you have consulted your parents. He then recited this verse to me:" O Prophet, say to your wives" till he reached" mighty reward" (xxxiii. 28). 'A'isha (Allah be pleased with her) said: By Allah, he knew that my parents would not allow me to separate from him. I said: Is there any need to consult my parents in this matter? I in fact choose Allah and His Messenger (may peace be upon him) and the abode in the Hereafter. Ma'mar said: Ayyub reported to me that 'A'isha said: Don't inform your wives that I have chosen you, whereupon Allah's Apostle (may peace be upon him) said: Verily Allah has sent me as a conveyer of message, and He has not sent me as a source of hardship (to others). Qatada said:" Saghat qulubukum" means" Your hearts have inclined."

Chapter 6: THERE IS NO MAINTENANCE ALLOWANCE FOR ONE WHO HAS BEEN GIVEN IRREVOCABLE DIVORCE

Book 9, Number 3512:

Fatima bint Qais reported that Abu 'Amr b. Hafs divorced her absolutely when he was away from home, and he sent his agent to her with some barley. She was displeased with him and when he said: I swear by Allah that you have no claim on us. she went to Allah's Messenger (may peace be upon him) and mentioned that to him. He said: There is no maintenance due to you from him, and he commanded her to spend the 'Idda in the house of Umm Sharik, but then said: That is a woman whom my companions visit. So better spend this period in the house of Ibn Umm Maktum, for he is a blind man and yon can put off your garments. And when the 'Idda is over, inform me. She said: When my period of 'Idda was over, I mentioned to him that Mu'awiya b. Abu Sufyan and Jahm had sent proposal of marriage to me, whereupon Allah's Messenger (may peace be upon him) said: As for Abu Jahm, he does not put down his staff from his shoulder, and as for Mu'awiya, he is a poor man having no property; marry Usama b. Zaid. I objected to him, but he again said: Marry Usama; so I married him. Allah blessed there in and I was envied (by others).

Book 9, Number 3513:

Fatima bint Qais reported that her husband divorced her during the life time of Allah's Prophet (may peace be upon him) and gave her a meagre maintenance allowance. When she saw that, she said: By Allah, I will inform Allah's Messenger (may peace be upon him), and if maintenance allowance is due to me then I will accept that which will suffice me, and if it is not due to me, I will not accept anything from him. She said: I made a mention of that to Allah's Messenger (may peace be upon him) and he said: There is neither maintenance allowance for you nor lodging.

Book 9, Number 3514:

Fatima bint Qais reported that her husband al-Makhzulmi divorced her and refused to pay her maintenance allowance. So she came to Allah's Messenger (may peace he upon him) and informed him, whereupon he said: There is no maintenance allowance for you, and you better go to the house of

Ibn Umm Maktum and live with him for he is a blind man and you can put off your clothes in his house (i. e. you shall not face much difficulty in observing purdah there).
Book 9, Number 3515:
Abu Salama reported that Fatima bint Qais, the sister of al-Dahhak b. Qais informed him that Abu Hafs b. Mughira al-Makhzumi divorced her three times and then he proceeded on to the Yemen. The members of his family said to her: There is no maintenance allowance due to you from us. Khalid b. Walid along with a group of persons visited Allah's Messenger (may peace be upon him) in the house of Maimuna and they said: Abu Hafs has divorced his wife with three pronouncements; is there any maintenance allowance due to her? Thereupon Allah's Messenger (may peace be upon him) said: No maintenance allowance is due to her, but she is required to spend the 'Idda; and he sent her the message that she should not be hasty in making a decision about herself and commanded her to move to the house of Umm Sharik, and then sent her the message that as the first immigrants (frequently) visit the house of Umm Sharik, she should better go to the house of Ibn Umm Maktum, the blind, (and further said: In case you put off your head-dress, he (Ibn Umm Makhtum) will not see you. So she went to his house, and when the 'Idda was over, Allah's Messenger (may peace be upon him) married her to Usama b. Zaid b. Haritha.
Book 9, Number 3516:
Fatima bint Qais reported: I had been married to a person from Banu Makhzum and he divorced me with irrevocable divorce. I sent a message to his family asking for maintenance allowance, and the rest of the hadith has been transmitted with a slight change of words.
Book 9, Number 3517:
Fatima bint Qais (Allah be pleased with her) reported that she had been married to Abu 'Amr b. Hafs b. al-Mughira and he divorced her with three pronouncements. She stated that she went to Allah's Messenger (may peace be upon him) asking him about abandoning that house. He commanded her to move to the house of Ibn Umm Maktum, the blind. Marwan refused to testify the divorced woman abandoning her house (before the 'Idda was over). 'Urwa said that 'A'isha objected to (the words of) Fatima bint Qais. This hadith has been transmitted through another chain of narrators.
Book 9, Number 3518:
'Ubaidullah b. 'Abdullah b. 'Utba reported that 'Amr b. Hafs b. al-Mughira set out along with 'Ali b. Abi Talib (Allah be pleased with him) to the Yemen and sent to his wife the one pronouncement of divorce which was still left from the (irrevocable) divorce; and he commanded al-Harith b. Hisham and 'Ayyash b. Abu Rabi'a to give her maintenance allowance. They said to her: By Allah, there is no maintenance allowance for you, except in case you are pregnant. She came to Allah's Apostle (may peace he upon him) and mentioned their opinion to him, whereupon he said: There is no maintenance allowance for you. Then she sought permission to move (to another place), and he (the Holy Prophet) permitted her. She said: Allah's Messenger, where (should I go)? He said: To the house of Ibn Umm Maktum and, as he is blind, she could put off her garmeqts in his presence and he would not see her. And when her 'Idda was over. Allah's Apostle (may peace be upon him) married her to Usama b. Zaid. Marwan (the governor of Medina) sent Qabisa b. Dhuwaib in order to ask her about this hadith, and she narrated it to him, whereupon Marwan said: We have not heard this hadith but from a woman. We would adopt a safe (path) where we found the people. Fatima said that when these words of, Marwan were conveyed to her. There is between me and you the word of Allah, the Exalted and Majestic: Do" not turn them out" of their houses. She asserted: This is in regard to the revocable divorce what new (turn can the event take) after three pronouncements (separation between irrevocable). Why do you say there is no maintenance allowance for her if she is not pregnant? Then on what ground do you restrain her?
Book 9, Number 3519:
Sha'bi reported: I visited Fatima bint Qais and asked her about the verdict of Allah's Messenger (may peace be upon him) about (board and lodging during the 'Idda) and she said that her husband divorced her with an irrevocable divorce. She (further. said): I contended with him before Allah's Messerger (may peace be upon him) about lodging and maintenance allowance, and she said: He did not provide

me with any lodging or maintenance allowance, and he commanded me to spend the 'Idda in the house of Ibn Umm Maktum.
Book 9, Number 3520:
A hadith like this has been trarismitted on the authority of Hushaim through another chain of narrators.
Book 9, Number 3521:
Sha'bi reported: We visited Fitima hint Qais and she served us fresh dates and a drink of barley flour, and I asked where should a woman who has been divorced by three pronouncements, spend the period of her 'Idda. She said: My husband divorced me with three pronouncements, and Allah's Apostle (may peace be upon him) permitted me to spend my 'Idda period in my family (with my parents).
Book 9, Number 3522:
Fatima bint Qais (Allah be pleased with her) reported from Allah's Messenger (may peace be upon him) that there is no lodging and maintenance allowance for a woman who has been given irrevocable divorce.
Book 9, Number 3523:
Fatima bint Qais (Allah be pleased with her) reported: My husband divorced me with three pronouncements. I decided to move (from his house to another place). So I came to Allah's Messenger (may peace be upon him), and he said: Move to the house of your cousin 'Amr b. Umm Maktum and spend your period of 'Idda there.
Book 9, Number 3524:
Abu Ishaq reported: I was with al-Aswad b. Yazid sitting in the great mosque, and there was with us al-Sha'bi, and he narrated the narration of Fatima bint Qais (Allah be pleased with her) that Allah's Messenger (may peace be upon him) did not make any provision for lodging and maintenance allowance for her. Al-Aswad caught hold of some pebbles in his fist and he threw them towards him saying: Woe be to thee, you narrate like it, whereas Umar said: We cannot abandon the Book of Allah and the Sunnah of our Apostle (may peace be upon him) for the words of a woman. We do not know whether she remembers that or she forgets. For her, there is a provision of lodging and maintenance allowance. Allah, the Exalted and Majestic, said:" Turn them not from their houses nor should they themselves go forth unless they commit an open indecency" (lxv. 1).
Book 9, Number 3525:
A hadith like this has been narrated on the authority of Ishaq with the same chain of transmitters.
Book 9, Number 3526:
Fatima bint Qais (Allah be pleased with her) reported that her husband divorced her with three, pronouncements and Allah's Messenger (may peace be upon him) made no provision for her lodging and maintenance allowance. She (further said): Allah's Messenger (may peace be upon him) said to me: When your period of 'Idda is over, inform me. So I informed him. (By that time) Mu'awiya, Abu Jahm and Usama b. Zaid had given her the proposal of marriage. Allah's Messenger (may peace be upon him) said: So far as Mu'awiya is concerned, he is a poor man without any property. So far as Abu Jahm is concerned, he is a great beater of women, but Usama b. Zaid... She pointed with her hand (that she did not approve of the idea of marrying) Usama. But Allah's Messenger (may peace be upon himn) said: Obedience to Allah and obedience to His Messenger is better for thee. She said: So I married him, and I became an object of envy.
Book 9, Number 3527:
Fatima bint Qais (Allah be pleased with her) reported: My husband Abu 'Amr b. Hafs b. al-Mughira sent 'Ayyish b. Abu Rabi'a to me with a divorce, and he also sent through him five si's of dates and five si's of barley. I said: Is there no maintenance allowance for me but only this, and I cannot even spend my 'Idda period in your house? He said: No. She said: I dressed myself and came to Allah's Messenger (may peace be upon him). He said: How many pronouncements of divorce have been made for you? I said: Three. He said what he ('Ayyish b. Abu Rabi'a) had stated was true. There is no maintenance allowance for you. Spend 'Idda period in the house of your cousin, Ibn Umm Maktum. He is blind and you can put off your garment in his presence. And when you have spent your Idda period, you inform me. She said: Mu'awiya and Abu'l-Jahm (Allah be pleased with them) were among

those who had given me the proposal of marriage. Thereupon Allah's Apostle (may peace be upon him) said: Mu'awiya is destitute and in poor condition and Abu'l-Jahm is very harsh with women (or he beats women, or like that), you should take Usama b. Zaid (as your husband).
Book 9, Number 3528:
Abu Bakr b. Abu'l-Jahm reported: I and Abu Salama b 'Abd al-Rahman came to fatima bint Qais (Al! ah be pleased with her) and asked her (about divorce, etc.). She said: I was the wife of Abu 'Amr b. Hafs b. al-Mughira, and he set out to join the battle of Najran. The rest of the hadith is the same, but he made this addition:" She said: I married him and Allah hornoured me on account of Ibn Zaid and Allah favoured me because of him."
Book 9, Number 3529:
Abu Bakr reported: I and Abu Salama came to Fatima bint Qais (Allah be pleased with her) during the time of Ibn Zubair (Allah be pleased with him) and she narrated to us that her husband gave her an irrevocable divorce. (The rest of the hadith is the same.)
Book 9, Number 3530:
Fatima bint Qais (Allah be pleased with her) reported: My husband divorced me with three pronouncements and Allah's Messenger (may peace be upon him) made no provision for lodging and maintenance allowance.
Book 9, Number 3531:
Hisham reported on the authority of his father that Yahya b. Sa'id b. al-'As married the daughter of 'Abd al-Rahman b. al-Hakam, and he divorced her and he turned her out from his house. 'Urwa (Allah be -pleased with him) criticised this (action) of theirs (the members of the family of her in-laws). They said: Verily, Fatima too went out (of her in-laws' house). 'Urwa said: I came to 'A'isha (Allah be pleased with her) and told her about it and she said: There is no good for Fatima bint Qais (Allah be pleased with her) in making mention of it.
Book 9, Number 3532:
Fatima bint Qais (Allah be pleased with her) reported that she said: Allah's Messenger, my husband has divorcee me with three pronouncements and I am afraid that I may be put to hardship, and so he commanded her and so she moved (to another house).
Book 9, Number 3533:
'A'isha (Allah be pleased with her) said: It is no good for Fatima to make mention of it, i. e. her statement:" There is no lodging and maintenance allowance (for the divorced women)."
Book 9, Number 3534:
Ibn al-Qasim narrated on the authority of his father that 'Urwa b. Zubair (Allah be pleased with him) said to 'A'isha (Allah be pleased with her): Didn't you see that such and such daughter of al-Hakam was divorced by her husband with an irrevocable divorce, and she left (the house of her husband)? Thereupon 'A'isha (Allah be pleased with her) said: It was bad that she did. He (Urwa) said: Have you not heard the words of Fatima? Thereupon she said: There if no good for her in making mention of it.
Chapter 7: ONE WHO IS DIVORCED BY THREE PRONOUNCEMENTS OR WHOSE HUSBAND HAS DIED CAN GET OUT OF HER HOUSE FOR A NEED DURING HER PERIOD OF 'IDDA
Book 9, Number 3535:
Jabir b. 'Abdullah (Allah be pleased with them) reported: My maternal aunt was divorced, and she intended to pluck her dates. A person scolded her for having come out (during the period of 'Idda). She came to Allah's Prophet (may peace be upon him.) and he said: Certainly you can pluck (dates) from your palm trees, for perhaps you may give charity or do an act of kindness.
Chapter 8: THE PERIOD OF 'IDDA COMES TO AN END WITH THE BIRTH OF THE CHILD
Book 9, Number 3536:
'Ubaidullah b. 'Abdullah b. 'Utba (b. Mas'ud) reported that his father wrote to Umar b. 'Abdullah b al Arqam al-Zuhri that he would go to Subai'ah bint al-Hirith al-Aslamiyya (Allah be pleased with her) and ask her about a verdict from him which Allah's Messenger (may peace be upon him) gave her when she had asked that from him (in regard to the termination of 'Idda at the birth of a child) 'Umar b. Abdullah wrote to 'Abdullah b. 'Utba informing him that Subai'ah had told him that she had been married to Sa'd b. Khaula and he belonged to the tribe of Amir b. Lu'ayy, and was one of those who

participated in the Battle of Badr, and he died in the Farewell Pilgrimage and she had been in the family way at that time. And much time had not elapsed that she gave birth to a child after his death and when she was free from the effects of childbirth she embellished herself for those who had to give proposals of marriage. Abd al-Sunabil b. Ba'kak (from Banu 'Abd al-Dar) came to her and said: What is this that I see you embellished; perhaps you are inclined to marry, By Allah, you cannot marry unless four months and ten days (of 'Idda are passed). When he said that. I dressed myself, and as it was evening I came to Allah's Messenger (may peace be upon him) and asked him about it, and he gave me a religious verdict that I was allowed to marry when I had given birth to a child and asked me to marry if I so liked. Ibn Shihab said: I do not find any harm fur her in marrying when she has given birth to a child even when she is bleeding (after the birth of the child) except that her husband should not go near her until she is purified.

Book 9, Number 3537:

Abu Salama b. 'Abd al-Rahman and Ibn 'Abbas. (Allah be pleased with them) got together in the house of Abu Huraira (Allah be pleased with him) and began to discuss about the woman who gave birth to a child a few nights after the death of her husband. Ibn 'Abbas (Allah be pleased with then)) said: Her 'Idda is that period which is longer of the two (between four months and ten days and the birth of the child, whichever is longer). AbuSalama, however said: Her period of 'Idda is over (with the birth of the child), and they were contending with each other over this issue, whereupon Abu Huraira (Allah be pleased with him) said: I subscribe (to the view) held by my nephew (i. e. Abu Salama). They sent Kuraib (the freed slave of Ibn 'Abbas) to Umm Salama to ask her about it. He came (back) to them and informed them that Umm Salama (Allah be pleased with her) said that Subai'ah al-Aslamiyya gave birth to a child after the death of her husband when the few flights (had hardly) passed and she made mention of that to Allah's Messenger (may peace be upon him) and he commanded her to marry.

Book 9, Number 3538:

This hadith has been narated with the same chain of transrmitters except with a small change of words (and that is): They sent him to Umm Salama, but no mention was made of Kuraib.

Chapter 9: IT IS OBLIGATORY TO ABSTAIN FROM ADORNMENT DURING THE 'IDDA PERIOD, BUT MOURNING BEYOND THREE DAYS IS PROHIBITED

Book 9, Number 3539:

Zainab (bint Abu Salama) (Allah be pleased with her) reported: I went to Umm Habiba, the wife of Allah's Apostle (may peace be upon him), when her father Abu Sufyan had died. Umm Habiba sent for a perfume having yellowness in it or something else like it, and she applied it to a girl and then rubbed it on her cheeks and then said: By Allah, I need no perfume but for the fact that I heard Allah's Messenger (may peace be upon him) say on the pulpit:" It is not permissible for a woman believing in Allah and the Hereafter to mourn for the dead beyond three days, but (in case of the death) of the husband it is permissible for four months and ten days." Zainab said: I then visited Zainab hint Jahsh (Allah be pleased with her) when her brother died and she sent for perfume and applied it and then said: By Allah, I don't feel any need for the perfume but that I heard Allah's Messenger (may peace be upon him) say on the pulpit:" It is not permissible for a woman believing in Allah and the Hereafbler to mourn the dead beyond three days except in case of her husband (for whom she can mourn) for four months and ten days." Zainab (Allah be pleased with her) said: I heard my mother Umm Salama (Allah be pleased with her) as saying: A woman came to Allah's Messenger (may peace be upon him) and said: Allah's Messenger. I have a daughter whose husband has died and there has developed some trouble in her eye; should we apply collyrium to it? Thereupon Allah's Messenger (may peace be upon him) said: No (repeating it twice or thrice, saying only, NO" all the time). Then he said: It is only four mouths and ten days, whereas in the preIslamic period none of you threw away the dung until one year had passed. Humaid said: I said to Zainab: What is this throwing of dung until a year is passed? Zainab said: When the husband of a woman died, she went into a hut and put on her worst clothes, and did not apply perfume or something like it until a year was over. Then an animal like a donkey, or a goat, or a bird was brought to her and she rubbed her hand over it, and it so happened that one on

which she rubbed her hand died. She then came out of her house and she was given dung and she threw it and then she made use of anything like perfume or something else as she liked.
Book 9, Number 3540:
Zainab bint Umm Salama (Allah be pleased with her) reported that a relative of Umm Habiba (Allah he pleased with her) died. She sent for a yellow (perfume) and applied that to her forearm and said: I, am doing it, for I have heard Allah's Messenger (may peace be upon him) saying: It is not permissible for a woman believing in Allah and the Hereafter to mourn beyond three days except the husband (for whom she can mourn) for four months and ten days, This hadith was narrated by Zainab from her mother and from Zainab, the wife of Allah's Apostle (may peace be upon him), or from some other lady from among the wives of the Prophet (may peace be upon him).
Book 9, Number 3541:
Zainab bint Umm Salama (Allah be pleased with her) reported on the authority of her mother that a woman lost her husband. (As her eyes were ailing) they (her kith and kin) entertained fear about her eyes, so they came to Allah's Apostle (may peace be upon him) and sought permission for the use of collyrium, whereupon Allah's Messenger (may peace be upon him) said: One among you used to spend one year in a dungeon dressed in worst clothes. (And at the end of this period) she threw dung at the dog which happened to pass that way and then she came out (of her 'Idda). Can't she (wait) even for four months and ten days?
Book 9, Number 3542:
Humaid b. Nafi' narrated two traditions from Umm Salama dealing with collyrium and the other hadith from the wives of Allah's Prophet (may peace be upon him) except with this that no mention was made of Zainab.
Book 9, Number 3543:
Zainab bint Abu Salama reported: Umm Salama and Umm Habiba (Allah be pleased with them) were talking with each other (and saying) that a woman came to Allah's Messenger (may peace be upon him) and mentioned to him that her daughter had lost her husband, and her eyes were sore and she wnted to use collyrium, whereupon Allah's Messenger (may peace be upon him) said: One among you used to throw dung at the end of a year, and now (this abstinence from adornment) is only for four months and ten days. (3544) Zainab bint Abu Salama reported that when the news of the death of Abu Safyan came to Umm Habiba she sent for yellow (perfume) on the third day and rubbed it on her forearms and on her cheeks and said: I had in fact no need of it, but I heard Allah's Messenger (may peace be upon him) as saying: It is not permissible for the women believing in Allah and the Hereafter to abstain from adornment beyond three days except (at the death of) husband (in which case she must abstain from adornment) for four months and ten days. (3545) Safiyya bint Abu 'Ubaid reported on the authority of Hafsa or 'A'isha (Allah be pleased with thein) or from both of them that Allah's Messenger (may peace he upon him) said: It is not permissible for a woman believing in Allah and the Hereafter (or believing in Allah and His Messenger) that she should observe mourning for the dead beyond three days except in case of her husband. (3546) A hadith like this is transmitted on the authority of Nafi' (3547) Safiyya bint Abu 'Ubaid reported that she heard Hafsa daughter of Umar (Allah be pleased with them), (and) wife of Allah's Prophet (may peace be upon him), narrating a hadith like this from Allah's Apostle (may peace be upon him), and she made this addition:" She should abstain from adorning herself (in case of the death of her husband) for four months and ten days." (3548) Safiyya bint Abu 'Ubaid narrated this tradition of Allah's Prophet (may peace be upon him) on the authority of some wives of Allah's Apostle (may peace be upon him) (3549) 'A'isha (Allah be pleased with her) reported Allah's Messenger (may peace be upon him) as saying: It is not permissible for a woman believing in Allah and the Hereafter to observe mourning on the dead for more than three (days), except in case of her husband. (3550) Umm 'Atiyya (Allah be pleased with her) reported that Allah's Messenger (may peace be upon him) had said: A woman must not observe mouriaing for one who had died for more than three (days) except for four months and ten days in the case of her husband. and she must not wear a dyed garment except one of the types made of dyed yarn, or apply collyrium, or touch perfume except a little perfume or incense, when she has been purified after her courses. (3551) A hadith like this has been narrated on the authority of Hisham with

the same chain of narrators but with a slight variation of words. (3552) Umm 'Atiyya ('Allah be pleased with her) said: We were forbidden to observe mourning for the dead beyond three days except in the case of husband (where it is permissible) for four months and ten days, and (that during this period) we should neither use collyrium nor touch perfume, nor wear dyed clothes, but concession was given to a woman when one of us was purified of our courses to make use of a little incense or scent.

Chapter 10: LI'AN (INVOKING CURSE)

Book 9, Number 3553:

Sahl b. Sa'd al-Sa'idi reported that'Uwaimir al-'Ajlani came to 'Asim b. 'Adi al-Ansari and said to him. Tell me about a person who finds a man with his wife; should he kill him, and be killed In retaliation; or how should he act? 'Asim, ask for me (religious verdict about it) from Allah's Messenger (may peace be upon him). So 'Asim asked Allah's Messenger (may peace be upon him) and he did not like this question and he disapproved of it so much that'Asim felt aggrieved at what he had heard from Allah's Messenger (may peace be upon him). When 'Asim came back to his family, 'Uwaimir came to him and said: 'Asim, what did Allah's Messenger (may peace be upon him) say to you? 'Asim said to 'Uwaimir: You did not bring something good. Allah's Messenger (may peace be upon him) did not like this religious verdict that I sought from him. 'Uwaimir said: By Allah, I will not rest until I have asked him about it. 'Uwaimir proceeded until he came to Allah's Messenger (may peace be upon him) as he was sitting amidst people, and said: Messenger of Allah, tell me about a person who found a man with his wife. Should he kill him, and then you would kill him, or how should he act? Thereupon Allah's Messenger (may peace be upon him) said: (Verses) have been revealed concerning you and your wife; so go and bring her. Sahl said that they both invoked curses (and further said): I was along with people in the company of Allah's Messenger (may peace be upon him). And when they had finished, Uwaimir said: Allah's Messenger, I shall have told a lie against her if I keep her (now). So he divorced her with three pronouncements before Allah's Messenger (may peace be upon him) had commanded him. Ibn Shihab said: Subsequently that was the practice of invokers of curses (al Mutala'inain)

Book 9, Number 3554:

Sahl b. Sa'd reported.. 'Uwaimir al-Ansari (Allah be pleased with him) from Banu'l-'Ajlan came to 'Asim b. 'Adi (Allah be pleased with him) the remaining part of the hadith is the same and it was also reecorded in it:" And subsequebtly the separation became the practice of al-Mutala'inain." And this addition was also made:" She was pregnant and her son was ascribed to her, and it became customary that such (a son) would inherit her and she would inherit him in the share prescribed by Allah for her.

Book 9, Number 3555:

Ibn Shihab narrated about the invokers of curses and the practice of (li'an) based on the authority of Sahl b. Sa'd, of the tribe of Sa'ida. that a person from the Ansar came to Allah's Apostle (may peace be upon him) and said: Allah's Messenger, tell me about the person who found a man with his wife. The remaining part of the hadith is the same (but) with this addition: They invoked curses in the mosque and I was present there. And he narrated in the hadith: He divorced her with three pronouncements before Allah's Messenger (may peace be upon him) commanded him (to get separation). He separated from her in the presence of Allah's Apostle (may peace be upon him), whereupon he said: There is a separation between the invokers of curses.

Book 9, Number 3556:

Sa'id b Jubair reported: I was asked about the invokers of curses during the reign of Mus'ab (b. Zubair) whether they could separate (themselves by this process). He said: I did not understand what to say. So I went to the house of Ibn 'Umar (Allah be pleased with them) in Mecca. I said to his servant: Seek permission for Me. He said that he (Ibn 'Umar) had been taking rest. He (Ibn 'Umar) heard my voice. and said: Are you Ibn Jubair? I said: Yes. He'said: Come in. By Allah, it must be some (great) need which has brought you here at this Hour. So I got in and found him lying on a blanket reclining against a pillow stuffed with fibres of date-palm. I said: O Abu'Abd al-Rahman, should there be separation between the invokers of curses? He said: Hallowed be Allah, yes, The first one who asked about it was so and so. he said: Messenger of Allah, tell me If one of us finds his wife committing

adultery: what should he do? If he talks, that is something great, and if he keeps quiet that is also (something great) (which he cannot afford to do). Allah's Prophet (may peace be upon him) kept quiet (or some time). After some time he (that very person) came to him (Allah's Messenger) and said: I have been involved in that very cage about which I had asked you Allah the Exalted and Majestic then revealed (these) verses of Surah Nur:" Those who accuse their wives" (verse 6), and he (the Holy Prophet) recited them to him and admonished him, and exhorted him and informed him that the torment of the world is less painful than the torment of the Hereafter. He said: No, by Him Who sent you with Truth, I did not tell a lie against her. He (the Holy Prophet) then called her (the wife of that person who had accused her) and admonished her, and exhorted her, and informed her that the torment of this world is less painful than the torment of the Hereafter. She said: No, by Him Who sent thee with Truth, he is a liar. (it was) the man who started the swearing of oath and he swore in the name of Allah four times that he was among the truthful. and at the fifth turn he said: Let there be curse of Allah upon him if he were among the liars. Then the woman was called and she swore four times in the name of Allah that he (her husband) was among the liars, and at the fifth time (she said): Let there be curse upon her if he were among the truthful. He (the Holy Prophet) then effected separation between the two. A hadith like this is narrated by Ibn Numair with a slight variation of words.

Book 9, Number 3557:

Ibn Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) saying to the invokers of curse: Your account is with Allah. One of you must be a liar. You have now no right over this woman. He said: Messenger of Allah, what about my wealth (dower that I paid her at the time of marriage)? He said: You have no claim to wealth. If you tell the truth, it (dower) is the recompense for your having had the right to intercourse with her, and if you tell a lie against her, it is still more remote from you than she is. Zuhair said in his narration: Sufyan reported to us on the authority of 'Amr that he had heard Sa'id b Jubair saying: I heard Ibn Umar (Allah be pleased with them) saying that Allah's Messenger (may peace be upon him) had said it.

Book 9, Number 3558:

Ibn 'Umar (Allah be pleased with them) said that Allah's Messenger (may peace be upon him) effected separation between the two members of Banu al-'Ajlan, and said: Allah knows that one of you is a liar. Is there one to repent among you?

Book 9, Number 3559:

Sa'id b. Jubair reported: I asked Ibn 'Umar (Allah be pleased with them) about invoking curse (li'an), and he narrated Similarly from Allah's Apostle (may peace be upon him).

Book 9, Number 3560:

Sa'id b. Jubair reported that Mus'ab b. Zubair did not effect separation between the Mutala'inain (invokers of curses). Sa'id said: It was mentioned to 'Abdullah b. Umar (Allah be pleased with them) and he said: Allah's Apostle (may peace be upon him) effected separation between the two members of Banu al-'Ajlan.

Book 9, Number 3561:

Nafi' reported on the authority of Ibn Umar (Allah be pleased with them) that a person invoked curse on the wife during the lifetime of Allah s Messenger (may peace be upon him), so he effected separation between them and traced the lineage of the son to his mother.

Book 9, Number 3562:

Ibn 'Umar (Allah be pleased with them) reported: Allah's Messenger (may peace be upon him) asked a person from the Anger and his wife to invoke curse (upon one another in order to testify to their truthfulness), and then effected separation between them.

Book 9, Number 3563:

A hadith like this has been narrated on the authority of 'Ubaidulah with the same chain of transmitters.

Book 9, Number 3564:

'Abdullah reported: We were on the night of Friday staying in the mosque when a person from the Ansar came there and said: If a person finds hiswoman along with a man, and he speaks about it, you would lash him, and if he kills, you will kill him, and if he keeps quiet he shall have to consume anger. By Allah, I will definitely ask about him from Allah's Mescenger (may peace be upon him). On

the following day he came to Allah's Messenger (may peace be upon him) and asked him thus: If a man were to find with his wife a man and if he were to talk about it, you would lash him; and if he killed, you would kill him, and if he were to keep quiet. he would consume anger, whereupon he (the Holy Prophet) said: Allah, solve (this problem), and he began to supplicate (before Him), and then the verses pertaining to li'an were revealed:" Those who accuse their wives and have no witnesses except themselves" (xxiv. 6). The person was then put to test according to these verses in the presence of the people. There came he and his wife in the presence of Allah's Messenger (may peace be upon him), and they invoked curses (in order to testify their claim). The man swore four times in the name of Allah that he was one of the truthful and then invoked curse for the fifth time saying: Let there be curse of Allah upon him if he were among the liars. Then she began to invoke curse. Allah's Messenger (may peace be upon him) said to her: just wait (and curse after considering over it), but she refused and invoked curse and when she turned away, he (Allah's Apostle) said: It seems that this woman shall give birth to a curly-haired black child, And so she did gave birth to a curly-haired black child.

Book 9, Number 3565:

A hadith like this is narrated on the authority of A'mash.

Book 9, Number 3566:

Muhammad (one of the narrators) reported: I asked Anas b. Malik (Allah be pleased with him) knowing that he had a knowledge of (the case of li'an). He said: Hilal b. Umayya (Allah be pleased with him) accused his wife with the charge of fornication with Sharik b. Sahma, the brother of al-Bara'b Malik from the side of his mother. And he was the first person who invoked curse (li'an) in Islam. He in fact invoked curse upon her. Allah's Messenger (may peace be upon him) said: See to her if she gives birth to a white-complexioned child having dark hair and bright eyes; he must be the son of Hilal b. Umayya; and if she gives birth to a child with dark eyelids, curly hair and lean shanks, he must be the offspring of Sharik b. Sahma. He said: I was informed that she gave birth to a child having dark eyelids, curly hair and lean shanks.

Book 9, Number 3567:

Ibn Abbas (Allah be pleased with them) reported: Mention was made of li'an in the presence of Allah's Messenger (may peace be upon him). And Asim b. 'Adi passed a remark about it and then turned away, and a man of his tribe came to him complaining that he had found a man with his wife, whereupon 'Asim said: I have been taken by my words. He took him to Allah's Messenger (may peace be upon him) and told him about the man whom he had found with his wife and this man was a lean, yellow-coloured man with lank hair, and the person who was accused of committing adultery with her (his wife) had fleshy shanks, with wheat complexion and heavy bulk. Allah's Messenger (may peace be upon him) said: O Allah, make (this case) manifest. And as she gave birth to a child, whose face resembled that person about whom her husband had made mention that he had found her with, and Allah's Messenger (may peace be, upon him) had asked them to invoke curses. A person said to Ibn 'Abbas (Allah be pleased with him): Is she (that woman) about whom Allah's Messenger (may peace be upen him) (said):" If I were to stone anybody without evidence, I would have stoned her"? Ibn 'Abbas (Allah be pleased with him) said: No, it is not she. That woman was one who openly spread evil in society. This hadith has been narrated on the authority of Ibn 'Abbas (Allah be pleased with them) through another chain of transmitters with the addition of these words: 'With flesh, and curly tangled hair."

Book 9, Number 3568:

'Abdullah b Shaddad reported that mention was made about the invokers of curses before Ibn 'Abbas (Allah be pleased with them). Ibn Shaddad said: Are these the two about whom Allah's Apostle (clay peace be upon him) said." If I were to stone one without evidence, I would have definitely stoned her"? Ibn Abbas (Allah be pleased with them) said: She is not this woman; but she is the one who (committed adultery) openly.

Book 9, Number 3569:

Abu Huraira (Allah be pleased with him) reported that Sa'd b. 'Ubada al-Ansari said: Messenger of Allah, tell the if a man finds his wife with another person, should he kill him? Allah's Messenger (may

peace be upon him) said: No. Sa'd said: Why not? I swear by Him Who has honoured you with Truth. There upon Allah's Messenger (may peace be upon him) said: Listen to what your chief says.

Book 9, Number 3570:

Abu Huraira (Allah be pleased with him) reported that Sa'd b. Ubada (Allah be pleased with him) said: Messenger of Allah, if I were to find with my wife a man, should I wait until I bring four witnesses? He said: Yes.

Book 9, Number 3571:

Abu Huraira (Allah be pleased with him) reported that Sa'd b. Ubada (Allah be pleased with him) said: Messenger of Allah, if I were to find with my wife a man, should I not touch him before bringing four witnesses? Allah's Messenger (may peace be upon him) said: Yes. He said: By no means. By Him Who has sent you with the Truth, I would hasten with my sword to him before that. Allah's Messenger (may peace be upon him) said: Listen to what your chief says. He is jealous of his honour, I am more jealous than he (is) and God is more jealous than I.

Book 9, Number 3572:

AI-Mughira b. Shu'ba (Allah be pleased with him) reported that Sa'd b. 'Ubada (Allah be pleased with him) said: If I were to see a man with my wife, I would have struck him with the sword, and not with the flat part (side) of it. When Allah's Messenger (may peace be upon him) heard of that, he said: Are you surprised at Sa'd's jealousy of his honour? By Allah, I am more jealous of my honour than he, and Allah is more jealous than I. Because of His jealousy Allah has prohibited abomination, both open and secret And no person is more jealous of his honour than Allah, and no persons, is more fond of accepting an excuse than Allah, on account of which He has sent messengers, announcers of glad tidings and warners; and no one is more fond of praise than Allah on account of which Allah has promised Paradise.

Book 9, Number 3573:

A hadith like this has been transmitted on the authority, of 'Abd al-Malik b. Umair with the same chain of narraters but with a slight change of words.

Book 9, Number 3574:

Abu Huraira (Allah be pleased with him) reported: There came a person to the Holy Prophet (may peace he upon him)) from Banu Fazara and said: My wife has given birth to a child who is black, whereupon Allah's Apostle (may peace be upon him) said: Have you any camels? He said: Yes. He again said: What is this colour? He said: They are red. He said: Is there a dusky one among them? He said: Yes, there are dusky ones among them He said: How has it come about? He said: It is perhaps the strain to which it has reverted, whereupon he (the Holy Prophet) said: It is perhaps the strain to which he (the child) has reverted.

Book 9, Number 3575:

This hadith has been narrated on the authority of Zuhri with the same chain of transmitters. In the hadith transmitted on the authority of Ma'mar, the (words are):" Messenger of Allah, my wife has given birth to a dark-complexioned boy, and he at that time was intending to disown him." And this addition has been made at the end of the hadith:" He (the Holy Prophet) did not permit him to disown him."

Book 9, Number 3576:

Abu Huraira (Allah be pleased with him) reported: A desert Arab came to Allah's Messenger (may peace be upon him) and said: My wife has given birth to a dark-complexioned child and I have disowned him. Thereupon Allah's Apostle (may peace be upon him) said: Have you any camels? He said: Yes. He said: What is their colour? He said? They are red. He said: Is there anyone dusky among them? He said: Yes. Allah's Messenger (may peace be upon him) said: How has it come about? He said: Messenger of Allah, it is perhaps due to the strain to which it has reverted, whereupon the Holy Prophet (may peace be upon him) said: It (the birth) of the black child may be due to the strain to which he (the child) might have reverted.

Book 9, Number 3577:

A hadith like this has been narrated on the authority of Abu Huraira (Allah be pleased with him) through another chain of transmitters.

Chapter 11: EMANCIPATING A SLAVE

Book 9, Number 3578:

Ibn Umar (Allah be pleased with them) reported Allah's Messenger may peace be upon him) as saying: If anyone emancipates his share ina slave and has enough money to pay the full price for him, a fair price for the slave should be fixed, his partners given their shares, and the slave be thus emancipated, otherwise he is emancipated only to the extent of the first man's share.

Book 9, Number 3579:

This hadith has been reported on the authority of Ibn 'Umar through another chain of transmitters.

Book 9, Number 3580:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: The slave who is jointly owned by two persons, and is emancipated by one of them, (this one) has liability (upon him to secure complete freedom for that slave).

Book 9, Number 3581:

Abu Huraira (Allah be pleased witli him) reported Allah's Prophet (may peace be upon him) as saying: If anyone emancipates a share in a slave, he is to be completely emancipated if he has money; but if he has none, the slave will be required to work to pay for his freedom, but must not be over-burhened.

Book 9, Number 3582:

This hadith has been narrated on the authority of Sa'id b. Abu 'Aruba with the same chain of transmitters but with the addition:" If he (one of the joint owners emancipating the slave) has not (enough) money (to secure freedom for the other half) a fair price for the slave should be fixed, and he will be required to work to pay for his freedom, but must not be over-burdened.

Book 9, Number 3583:

A hadith like this is reported on the authority of the same chain of transmitters but with a slight change of words.

Chapter 12: THE RIGHT OF INHERITANCE OF PROPERTY VESTS WITH ONE WHO EMANCIPATES THE SLAVE

Book 9, Number 3584:

Ibn Umar reported that 'A'isha decided to buy a slave-girl and then set her free, but her masters said: We are prepared to sell her to you on the condition that her right of inheritance would vest with you. She (Hadrat A'isha) made a mention of that to Allah's Messenger (may peace be upon him) whereupon he said: This should not stand in your way. The right of inheritance vests in one who emancipates.

Book 9, Number 3585:

'A'isha (Allah be pjeased with her) reported that Barira came to her in order to seek her help in securing freedom, but she had (so far) paid nothing out of that sum stipulated in the contract. 'A'isba said to her. Go to your family (who owns you), and if they like that I should pay the amount (of the contract) on your behalf (for purchasing your freedom), then I shall have the right in your inheritance. (If they accepted it) I am prepared (to make this payment). Barira made a mention of that to the (members of) her family, but they refused and said: If she (Hadrat 'A'isha) wants to do good to You for the sake of Allah, she may do it, but the right of inheritance will be ours. She (Hadrat 'A'isha) made a mention of that to Allah's Messenger (may peace be upon him), and he said to her: Buy her, and emancipate her, for the right of inheritance vests with one who emancipates (the slave). Allah's Messenger, may peace be upon him) then stood up and said: What has happened to the people that they lay down conditions which are not (found) in the Book of Allah? And he who laid down a condition not found in the Book of Allah, that is not valid. even if it is laid down hundred times. The condition laid down by Allah is the most weighty and the most valid.

Book 9, Number 3586:

'A'isha, the wife of Allah's Apostle (may peace be upon him), reported: Barira came to me and said: 'A'isha, I have entered into contract for securing freedom with my family (who owns me) for nine 'uqiyas (of silver), one 'uqiya every year The rest of the hadith is the same (but with this addition):" This (the problem of the right of inheritance) should not stand in your way. Buy her, and set her free.

He said in a hadith: Allah's Messenger (may peace be upon him) stood up among men, extolled Allah, praised Him, and then said:" for......"
Book 9, Number 3587:
'A'isha (Allah be pleased with her) reported: Barira came to me and said: My family (owners) have made contract with me (for granting freedom) for nine 'uqiyas (of silver) payable in nine years, one 'uqiya every year. Help me (in making this payment). I said to her: If your family so desires, I am prepared to make them the full payment in one instalment, and thus secure freedom for you, but the right of inheritance will vest in me, if I do so. She (Barira) made a mention of that to her family, but they refused (except) on the condition that the right of inheritance would vest in them. She came to me and made mention of if She ('A'isha) said: I scolded her. She (Barira) said: By Allah, it is not possible (they will never agree to it). And as she was saying it, Allah's messenger (may peace be upon him) heard, and he asked me, I informed him and he said: Buy her and emancipate her, and let the right of inherit- ance vest in them, for they cannot claim it (rightfully) since the right of inherritance vests with one who emancipates (the slave; therefore, these people have no right to lay such false claims). And I did so. She ('A'isha) said: Then Allah's Messenger (may peace be upon him) delivered a sermon in the evening. He extolled Allah and praised Him with what He deserves, and then said afterwards,: What has happened to the people that they lay down conditions which are not found in the Book of Allah? And the condition which is not found in the Book of Allah is invalid, even if its number is one hundred. The Book of Allah is more true (than any other deed) and the condition laid down by Allah is more binding (than any other condition). What has happened to the people among you that someone among you says:" Emancipate so and so, but the right of inheritance vests in me"? Verily, the right of inheritance vests in one who emancipates.
Book 9, Number 3588:
Hisham b. 'Urwa narrated a hadith like this with the same chain of trans- mitters except (with this change) that in the hadith transmitted on the authority of jartr (the words are): Her (Barira's) husband was a slave, so Allah's Messenger (may peace be upon him) gave her the option (either to retain her matrimonial relation with her husband or sever it off). She opted to break off (and secure freedom for her even from the matrimonial alliance). And if he were free he would not have given her the option. In the hadith narrated on the authority (of this chain of transmitters) these words are not found: Amma ba'du.
Book 9, Number 3589:
'Abd al-Rahman b. al. Qasim reported on the authority of his father: 'A'isha (Allah be pleased with her) said: There were three issues which were clarified in case of Barira: her owners had decided to sell her on the condition that the right of her inheritance would vest with them. She ('A'isha) said: I made a mention of that to Allah's Apostle (may peace be upon him) and he said: Buy her and emancipate her, for verily the right of inheritance vests with one who emancipates. She said that she emancipated (her) and Allah's Messenger (may peace be upon him) gave her the option (either to retain her matrimonial alliance or break it after emancipation). She (taking advantage of the option) opted for herself (the severing of matrimonial alliance). 'A'isha said: The people used to give her charity and she gave us that as gift. I made a mention of it to Allah's Apostle (may peace be upon him), whereupon he said: That is charity for her but gift for you, so take that.
Book 9, Number 3590:
'A'isha (Allah's be pleased with her) reported that she had bought Barira from the people of Ansar, but they laid down the condition that the right of inheritance (would vest in them), whereupon Allah's Messenger (may peace be upon him) said: The right of inheritance vests with one who shows favour (who emancipates) and Allah's Messenger (may peacebe upon him) gave her the choice (either to retain) her matrimonial alliance or break it). Her husband was a slave. She (Barira also) gave 'A'isha some meat as gift. Allah's Messenger (may peace be upon him) said: I wish you could prepare (cook) for us out of this meat. 'A'isha said, It has been given as charity to Barira, whereupon he said: That is charity for her and gift for us.
Book 9, Number 3591:

'A'isha (Allah be pleased with her) reported: She wanted to buy Barira with a view to emancipating her. They (the sellers) laid down the condition that the right of inheritance would vest (with them). She (Hadrat 'A'isha) made a mention of that to Allah's Messenger (may peace be upon him), whereupon he said: Buy her and emancipate her for the right of inheritance vests with one who emancipates. Allah's Messenger (may peace be upon him) was given meat as gift. They (his Companions) said to Allah's Apostle (may peace be upon him): This was given as charity to Barira, whereupon he said: That is charity for her but gift for us. And she was given option (to retain her matrimonial alliance or to break it). Abd al-Rahman said: Her husband was a free man. Shu'ba said: I then asked him (one of the narrators) about Barira's husband (whether he had been a free mart or a slave), whereupon he said: I do not know.

Book 9, Number 3592:

This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters.

Book 9, Number 3593:

'A'isha reported that the husband of Barira was a slave.

Book 9, Number 3594:

'A'isha (Allah be pleased with her). the wife of Allah's Apostle (may Peace be upon him) said: Three are the Sunan (usages) (that we came to know in case of Bairara). She was given option in regard to her husband when she was emancipated. Sbe was given meat as charity. Allah's Messenger (way peace be upon him) visited me when an earthen pot with meat in it was placed on the fire. He asked for food and be was given bread with ordinary meat (usually cooked in the) house. Thereupon he (Allah's Messenger) said: Don't I see the earthen pot on fire with meat in it? They said: Yes. Allah's Messenger, there is meat in it which was given as charity to Barira. We did not deem it advisable that we should give you that to eat, whereupon he said: It is charity for her, but it is gift for us. Allah's Apostle (may peace be upon him) also said: The right of inheritance vests with one who emancipates.

Book 9, Number 3595:

Abu Huraira (Allah be pleased with him) reported: 'A'isha (Allah be pleated with her) thought of buying a slave-girl and emancipating her, but her owners refused to (sell her but on the condition) that the right of inheritance would vest in them. She made a mention of that to Allah's Messenger (may peace be upon him). whereupon he said: Let this (condition) not stand in your way for the right of inheritance vests with one who emancipates.

Chapter 13: IT IS FORBIDDEN TO SELL AL-WALA' (THE RIGHT OF INHERITANCE OF A SLAVE) AND ITS CONFERRING ON OTHERS

Book 9, Number 3596:

Ibn Umar (Allah be pleased with them) reported that Allah's Messenger (may peace he upon him) forbade the selling and making a gift of the right of inheritance of a slave. Imam Muslim said: All the persons depend upon Abdullah b. Dinar in regard to this hadith.

Book 9, Number 3597:

This hadith has been narrated on the authority of Ibn 'Umar (Allah be pleased with them) through another chain of transmitters but with this change that in tba hadith narrated by al-Thaqafi from Ubaidullah there is only a mention of selling (or right of inheritance, al-Wala') but not that of making a gift.

Chapter 14: IT IS FORBIDDEN FOR A SLAVE TO TAKE ANYONE AS HIS ALLY EXCEPT ONE WHO EMANCIPATES HIM

Book 9, Number 3598:

Jabir b. Abdullah (Allah be pleased with them) reported that Allah's Apostle (may peace be upon him) made it obligatory for every tribe (the payment) of blood-wit; he then also made it explicit that it is not permissible for a Muslim to make himself the ally (of the slave emancipated by another) Muslim without his permission. He (the narrator further added): I was informed that he (the Holy Prophet) cursed the one who did that (and it was recorded) in his Sahifa (in a document).

Book 9, Number 3599:

Abu Huraira (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) said: He who takes anyone as his ally without the consent of his previous master, there will be the

curse of Allah and that of His angels upon him, and neither, any obligatory act of his nor the supererogatory one will be accepted (by Allah).
Book 9, Number 3600:
Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: He who took the freed slave as his ally without the consent of his previous master, there is upon him the curse of Allah and that of His angels and that of the whole mankind, and there will not be accepted from him his obligatory acts or supercrogatory acts on the Day of Resurrection. This hadith is narrated through the same chain of transmitters, but with a slight change of words.
Book 9, Number 3601:
Ibrahim al-Taimi reported on the authority of his father: 'Ali b. Abu Talib (Allah be pleased with him) addressed us and said: He who thinks that we (the members of the Prophet's family) read anything else besides the Book of Allah and this Sahifa (and he said that Sahifa was tied to the scabbard of the sword) tells a lie. (This Sahifa) contains (problems) pertaining to the ages of the camels and (the recompense) of the injuries, and it also records the words of the Prophet (may peace be upon him): Medina is a sacred territory from 'Ayr to Thaur (it is most probably Uhud). He who innovates (an act or practice) or gives protection to an innovator, there is a curse of Allah and that of His angels and that of the whole humanity upon him. Allah will not accdpt from him (as a recompense) any obligatory act or supererogatory act, and the responsibility of the Muslims is a joint responsibility; even the lowest in rank can undertake the responsibility (on behalf of others), and he who claims anyone else as his father besides his own father or makes one his ally other than the one (who freed him), there is a curse of Allah. that of His angels and that of the wholemankind upon him. Allah will not accept the obligatory act of the supererogatery act (as a recompense) from him.
Chapter 15: EXCELENCE OF EMANCIPATING A SLAVE
Book 9, Number 3602:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: If anyone emancipates a Muslim slave, Allah will set free from Hell an organ of his body for every organ of his (slave's) body.
Book 9, Number 3603:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace benpon him) as saying: He who emancipates a slave, Allah will set free from Hell every limb (of his body) for every limb of his (slave's) body, even his private parts.
Book 9, Number 3604:
Abu Huraira (Allah be pleased with him) reported: I heard Allah's Messenger (may peace be upon him) as saying: He who emancipates a believing slave. Allah will set free from Fire his every limb for every limb of his (slave's), even his private parts for his.
Book 9, Number 3605:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: A Muslim who emancipates a Muslim (slave). Allah will save from Fire every limb of his for every limb (of the slave). Sa'id b. Marjana said: When I heard this hadith from Abu Huraira (Allah be pleased with him), I went away and made a mention of it to 'Ali b. Husain and he at once emancipated the slave for which Ibn ja'far was prepared to pay ten thousand dirhams or one thousand dinars.
Chapter 16: EXCELLENCE OF SECURING THE EMANCIPATION OF FATHER
Book 9, Number 3606:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: A son does not repay what he owes his father unless he buys him (the father) in case he is a slave and then emancipates him. In the narration transmitted by Ibn Abu Shaiba there is a slight change of words.
Book 9, Number 3607:
A hadith like this has been narrated on the authority of Suhail with the same chain of transmitters.
Book 10: The Book of Transactions (Kitab Al-Buyu`)
INTRODUCTION

Honesty in commercial dealings is more strictly enjoined by Islam than by any other religion. It is because Islam is a religion which regulates and directs life in all its departments. It is not to be regarded, like the modern man's religion. as a personal, private affair, which has nothing to do with his economic and political life. It is not merely a body of dogmas or a bundle of rites and rituals; it is a practical code which governs life in all its spheres. Its laws are as effectively operative in our commerce and politics as in our domestic life and social relations. Islam censures political chicanery and economic exploitation as strongly as social excesses and individual dishonesty. Indeed, a true Islamic society is based upon honesty, justice and fraternity, and is absolutely intolerant of dishonesty in all its various forms. That is the reason why perfect honesty in business and truthfulness in trade are much emphasised by the Holy Prophet (may peace be upon him). It will not be an exaggeration to say that absolute honesty in business and commerce is really an Islamic concept. The Hindus and Jews were (and still, are) worshippers of the Mammon. Both of them have been mercenary nations, notorious for their greed. The pre-Islamic Christians. too, did not possess any high standard of business morality. It was Prophet Muhammad (may peace be upon him) who, on the one hand, urged his followers to adopt trade as their profession, and, on the other band, exhorted them to observe truthfulness and honesty in their business transactions.

Islam lays the greatest emphasis on Qat Haldl (food earned through lawful means). The pious among us believe that just as nasty food spolis our physical health, similarly. food earned through unlawful means spoils our spiritual and moral health. A man who liver on income derived through illicit means and fraudulent practices cannot be morally advanced and spiritually elevated. If we try to comprehend the exact, implications of the term Haram (unlawful) we can form an idea of the high standard of morality on which Islam wants us to conduct our business. And, if business is conducted strictly in accordance with the Islamic principles of commerce, there can be absolutely no scope for any kind of commercial dishonesty varying from the simplest and most glaring type of business fraud to the most cunning and subtle type of profiteering which is often masked under a semblance of honesty.

Islam is most vehement in its condemnation of commercial dishonesty. It denounced, in the strongest possible terms, all sorts of deceitful dealings and illegal profits. It has disallowed all transactions not based upon justice and fairplay The Holy Prophet (may peace be upon him), while reprimanding the dishonest dealer, said:" Laisa minna man gashshdna" (Whosoever deceives us is not one of us).

According to Imam Ghazali, a Muslim who makes up his mind to adopt trade as a profession or to set up his own business should first acquire a thorough understanding of the rules of business transactions codified in the Islamic Shari'ah. Without such understanding he will go astray and fail into serious lapses making his earning unlawful. No people in the world have ever attached so much importance to lawful trading as did the early Muslims, nor has any other nation evinced such a dread of unlawful trading as they did. That is why al-Ghazali said stress on a clear understanding of the rules and laws governing business transactions as a necessary prerequisite to adopting trade or business as a profession.

The Holy Qur'an has stressed the importance of fairness in business:" And, O my people, give full measure and weight justly, and defraud not men of their things, and act not corruptly in the land making mischief. What remains with Allah is better for you, if you are believers" (xi. 85-86).

In these words addressed by Hadrat Shu'aib to his people, the Holy Qur'an enunciates the fundamental principles of commerce as follows

To give just measure and weight.

Not to withhold from the people the things that are their due.

Not to commit evil on the earth with the intent of doing mischief.

To be contented with the profit that is left with us by God after we have paid other people their due.

We are told in these verses that commerce can flourish under conditions of peace and security. The people are, therefore, warned not to disturb the peace of the land so that there is a free and untrammelled trade between different parts of the world. In commercial relations we are expected to be absolutely just and honest, liberally giving other people their due. We are not to be guilty of selfish greed and not to indulge in profiteering; and we are told that the lawful profit which has God's blessings is the one that we are able to make through perfectly honest dealings with others. The

injunctions contained in these Qur'anic verses and found elsewhere in the Holy Book close the door of all dishonest and unjust transactions. We should not forget that justice is a master virtue. If we give others just measure and just weight that tantamounts to saying that we should be fair and just in our dealings.

A careful study of" Kitab al-Buyu`" (the book pertaining to business transactions) will reveal the fact that the Holy Prophet (may peace be upon him) based business dealings strictly on truth and justice. He has strongly disapproved all transactions which involve any kind of injustice or hardship to the buyer or the seller. He wanted that both, the buyer and the seller, should be truly sympathetic and considerate towards each other. One should not take undue advantage of the simplicity or ignorance of the other. The seller should not think that he has unrestricted liberty to extort as much as possible from the buyer. He has to be just; he should take his own due and give the buyer what is his.

Islam, which condemns every kind of injustice and exploitation in human relations, wants its followers to conduct business in a sublime spirit of justice tempered with human kindness. The conduct of the seller in a transaction should be characterised not only by Insaf (justice), but also by Ihsan (magnanimity)." God will forgive the sins of a Muslim who absolves a fellow-Muslim from a sale-contract not liked by the latter," says the Holy Prophet (may peace be upon him).

All transactions should be based on the fundamental principle of" Ta'auanu ala birri wa't-taqwa" (mutual co-operation for the cause of goodness or piety). A transaction not based upon this sound principle is not lawful. Unlawful transactions are motivated by lust for money and an ignoble desire to build up prestige. Islam strikes at the root of the passion for money and suggests a different yardstick to measure the prestige of a person. The Holy Qur'an, on the one hand, condemns hoarding and the excessive love for wealth, and, on the other, declares virtue and piety to be the criterion for determining a person's worth." Inna akramakum `ind-Allahi atqakum" (The noblest in the eyes of God is the most pious among you). Thus does Islam minimise in every possible way the temptation to illegal trade and traffic. Let us now take note of the forms of business transactions which have been prohibited in Islam. The Holy Prophet (may peace be upon him) has not only disapproved of certain forms of business transactions, but has also laid down some basic conditions that should be fulfilled in every transaction if it is to be lawful.

The following are some of these basic conditions:

Things sold and money offered as their price to be lawfully acquired. The things sold and the money to be offered as their price should both be lawfully acquired and clearly specified. This condition demands that the goods sold should have been lawfully obtained. One has no business to sell goods which one has stolen or which one has acquired in a fraudulent manner. nor should one purchase anything with the money which one has accepted as illegal gratification or has aceuired in some other deceitful way. This condition holds the buyer and the seller responsible for lawful possession of the goods on the partof one and of the money on the part of other.

Goods not to be sold before obtaining their possession. The Holy Prophet (may peace be upon him) has warned the Muslims against indulging in forward transactions which means selling goods before obtaining their possession." Whoever buys cereals shall not tell them until he has obtained their possession," says the Holy Prophet (may peace be upon him). According to Ibn 'Abbas, what applies to cereals also applies to other categories of goods. On another occasion the Holy Prophet (may peace be upon him) has said:" Bargain not about that which is not with you."

Goods to be bought in the open market. Goods and commodities for sale should go into the open market, and the seller or his agents must be aware of the state of the market before proposals are made for the purchase by the buyers. The seller should not be taken unawares lest the buyers should take undue advantage of his ignorance of the conditions and prices prevailing in the market.

No trade and traffic in things, the use of which is prohibited by Islam. A Muslim can trade in those goods and commodities only the use of which has been declared to be Halal (lawful). There can be no trade and traffic in things the use of which is proliibited by Islam. For example, there can be no trade in wine, swine, dead bodies of animals and idols. A devout Muslim merchant would not even traffic in thin and transparent stuff for ladies because the use of such stuff by ladies is unlawful. One cannot sell the carcass of an animal. He can, however, flay its skin which can be used for making shoes and

which can therefore, be sold, but not the flesh of the dead animal. What is true of the usable skin of animals is also true of the tusks of an elephant.

Prohibited forms of Business

Monopoly business. As monopoly means concentration of supply in one hand, it leads to exploitation of the consumers and the workers, it has, therefore, been declared unlawful by the Holy Prophet (may peace be upon him). Gigantic trusts. cartels and monopolies should not exist in the Islamic society. The monopoly-dominated economic order betrays lack of harmony between private and social good and is, thus, a negation of the principle of maximum social advantage which the Islamic society sets out to achieve.

Speculative business basd on selfish interest. Speculation means buying something cheap in bulk at a time and selling it dear at another and, thus, controlling the whole market to achieve personal gains. A close observation will reveal that speculators are primarily interested in private gains regardless of the larger interest of the society. These speculators try to create artificial scarcity of goods and commodities and thereby create an inflationary pressure on the economy. As the poor masses have to pay for this. Islam has condemned such speculative business.

Interest transactions. All transactions involving interest are forbidden in Islam. Some people find it hard to submit to the injunction prohibiting interest, because they think interest and profit earned in trade are similar. Capital invested in trade brings an excess called profit; invested in banking it brings interest. Why should one excess be considered lawful and the other unlawful? They fail to take note of the basic difference between the two. Trade involves risk of loss. Also in its case, it is not only the capital invested that brings profit which is equally the result of initiative, enterprise and efficiency of the entrepreneur. Hence its rate cannot be predetermined and fixed. Moreover, trade is productive. A person reaps a benefit after undergoing labour and hardship. It creates conditions of full employment and economic growth. It will also be noted that trade acts as one of the dominant factors in the process of building up civilisation through co-operation and mutual exchange of ideas. The spread of Islam and Islamic civilisation In the Far East has been mostly due to the efforts of Muslim traders. Interest has no redeeming feature at all. The fixed rate of profit which a person gets from a financial investment without any risk of loss and without augmenting it with human labour creates in man the undesirable weakness of miserliness and Shylockian selfishness and lack of sympathy. In the economic sphere it initiates and aggravates crisis.

Rightly, therefore, has Islam strictly prohibited all transactions based on it or involving it in some form or other.

Advancing money on interest, keeping deposits in a bank for the sake of earning interest, or getting concessions in rates of goods or commodities against advance payments of price, mortgaging and utilising an income-yielding property against a certain sum, to be returned in full when the property is redeemed and investing money in a trade against a predetermined and fixed rate of profit-are all unlawfnl business transactions because they involve Riba (interest) in some form or the other.

Transactions similar (in nature) to gambling. The Arabic equivalent to gambling is Maisir which literarily means" getting something too easily"," getting a profit without working for it". The literal meaning of the term explains the principle on account of which gambling is prohibited in Islam. Any monetary gain which cornes too easily, so much so that one does not have to work for it, is unlawful.

The most familiar form of gambling amang the Arabs in the days of the Holy Prophet (may peace be upon him) was gambling by casting of lots by means of arrows drawn from a bag. Some were blank and those who drew them got nothing. Others indicated prizes-big or small ones. Whether one got anything or nothing depended on pure luck. unless there was fraud on the part of someone concerned. The principle on which objection to gambling is based is that you gain what you have not earned, or lose on a mere chance. Dice, lottery, prize bonds and betting on horse races are to be held within the definition of gambling.

Munabadha and Mulamasa. Islam recognises barter trade subject to the injunctions of the Qur'an and the Sunnah. In fact, Islam has closed all doors of dishonesty and deceit in business dealings. It has prohibited all forms of transactions which admit of fraud in the least degree. It has impressed on the

traders that defective and worthless goods should not be given in exchange for good ones, and if there is a defect in the goods sold it must be pointed out and made manifest to the purchaser. The Messenger of Allah (may peace be upon him) said:" The buyer and the seller have the option of cancelling the contract as long as they have not separated; then. if they both speak the truth and make manifest, their transaction shall be blessed, and it they conceal and tell lies, the blessing of their transaction shall be obliterated".

Besides issuing the instructions which govern all forms of trade, particularly barter trade, Islam has banned two forms of sale contract that were prevalent before Islam. These were Munabadha and Mulamasa. In neither of these was the purchaser offered an opportunity to examine the thing purchased. Munabadha means that the seller should throw the cloth to the buyer before he has carefully examined it. The very act of throwing the cloth will mean that the bargain has been struck. Mulamasa means touching the cloth without examining it, ie. the buyer was just supposed to touch the cloth to strike the bargain. Both these forms of transaction were prohibited because in either case the purchaser got no opportunity to examine the things sold to him, and the bargain was likely to prove unduly disadvantageous to one side.

In fact, Islam demanlds that goods and commodities for we should go to the open market and the seller or his agents must be aware of the state of the market before proposals are made for the purchase of goods or communities in bulk. He should not be taken unawares lest advantage be taken of his ignorance of the state of the market, and the prevailing prices. All this is ver clearly laid down by the Prophet (may peace he upon him).

As mentioned above, Islam tries to be fair to both parties to a transaction. Any step on the part of one, that is advantageous to him and disadvantageous to the other, is not permissible. The seller is expected to make the defects (if any) in the goods manifest to the buyer, nor is the buyer expected to take undue advantage of the ignorance of the seller.

Mozabana. It is the exchange of fresh fruits for dry ones in a way that the quantity of the dry fruit is actually measured and fixed, but the quantity of the fresh fruit to be given in exchange is guessed while it is still on the trees (Mishkat, 2710). The Holy Prophet (may peace be upon him) has forbidden this exchange because the quantity of the fruit on the trees cannot be definitely Determined and the transaction is just a leap into the dark.

Mu'awama. It consists in selling the fruit on the trees for a period of one, two or three years even before it has made its appearance. It is prohibited because like Muzabana it is also a leap into the dark. Such transactions may result in bitterness and frustration.

Bai' al-Gharar. It is to sell a thing which one doesn't have in one's possession, nor expects to bring it under one's control, e g. fish in the river, or birds in the air. Possession is one of the basic conditions of a sale. One cannot sell a thing which is not in one's possession.

Bai' al-'Uryan. It is getting a thing against a nominal advance on the condition that if the bargain is struck, the advance will be adjusted and if the bargain is cancelled, the seller will riot return the advance. The advance being nominal, the buyer has practically no liability. He will abide by the contract if he finds it advantageous to him and will withdraw himself from it otherwise.

Bai' al-Mudtar. It is to buy a thing forcibly or to purchase a thing when its owner is compelled under stress of want to dispose it of. Instead of purchasing the thing, and taking undue advantage of the seller's helplessness, one should help him. Bai' alal-Bai' (sale over and above the sale of another). When one person has sold goods to another, a third Person should not upset the bargain trying to sell his own goods to the latter, offering them at lower rates or pointing out the defect in the goods already sold to him by the former." A Muslim should not purchase in opposition to his brother, nor should he send a marriage proposal over and above the proposal of another."

Bai' al-Hast (i. e. sale by means of pebbles). The purchaser will tell the seller that when he will throw a pebble on his goods, the sale contract will be confirmed or the seller tell the purchaser that on whatever thing a pebble thrown by him falls will be sold to him. Sale contract is a serious matter and it should not be accomplished by such hit-and-miss methods like throwing the pebbles on the goods. A sale completed in this way may lead to injustice and hardship to one side and is consequently prohibited.

Sale of unripe fruit and unripe corn. The Holy Prophet (may peace be upon him), according to Hadrat Anas (Allah be pleased with him), has prohibited the sale of grapes before they become dark and that of the corn before it ripens. Similarly, he has forbidden the sale of raw dates. The fruit of the date palms should not be sold until it becomes red or yellow.
Here is a brief account of the sale transactions prohibited by Islam. If one ponders over these forms of transaction described above and described in greater detail in" Kitab al-Buyu," one can arrive at the following conclusions:
Islam insists upon absolute justice and fairplay in business dealings.
According to Islam, a person who sacrifices his faith, and loses the good pleasure of his Lord to make a monetary gain has not made a good bargain. A Muslim will not go in for such a bad bargain. A Muslim merchant is not a worshipper of the Mammon with an inordinate love for money. He prizes faith, piety and righteousness above all.
Islam does not believe in the view that all is fair in business and that every kind of cleverness and deceit is justifiable in business transactions. Islam regards business or commerce as an economic activity to be carried on in a spirit of humanity. tarianism and justice. It does not approve of the cut-throat competition. Indeed, the very concept is un-Islamic.
Islam expects the buyer and the seller to look upon each other as Muslim brethren or fellow human beings, each trying to go all his way to help and serve the other. It the seller happens to overcharge the buyer, he, instead of feeling proud of his cleverness in doing so, should somehow compensate him for the excessive payment received.
All bargains that are clenched without giving the purchaser a fair chance of examining the things are prohibited because this amounts to denying him a right that was his due.
Forcible transactions or transactions in which the buyer takes undue. advantage of the helplessness or misery of the seller are also discouraged.
Islam has prohibited traffic in wine, swine, dead bodies of animals and other goods the use of which has been declared to be Haram (unlawful).
It has also forbidden trading in things that have a debasing or vitiating influence on the Muslim society.
Chapter 1: PROHIBITION OF BAI' MULAMASA AND BAI' MUNABAZA
Book 10, Number 3608:
Abu Huraira (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade (two types of transactions) Mulamasa and Munabadha
Book 10, Number 3609:
Abu Huraira (Allah be pletsed with him) reported like this from Allah's Messenger (may peace be upon him).
Book 10, Number 3610:
Abu Huraira reported from Allah's Messenger (may peace be upon him) a hadith like this through another chain cf transmitters.
Book 10, Number 3611:
A hadith like this has been narrated on the authority of Abu Huraira (Allah be pleased with him) through another chain of transmitters.
Book 10, Number 3612:
Abu Huraira (Allah be pleased with him) reported: Two types of trarisactions have been forbidden (by the Holy Prophet), al-Mlulamasa and al-Munabadha. As far as Mulamasa transaction is concerned, it is that every one of them (the parties entering into transaction) should touch the garment of the other without careful consideration, and al-Munabadha is that every one of them should throw his cloth to the other and one of them should not see the cloth of his friend.
Book 10, Number 3613:
Abu Sa'id al-Khudri (Allah be pleased with him) reported: Allah's Messenger (may peace be upon him) forbade us (from), two types of business transactions and two ways of dressing. He forbade Mulamasa and Munabadha in transactions. Mulamasa means the touching of another's garment with his hand, whether at night or by day, without turning it over except this much. Munabadha means that

a man throws his garment to another and the other throws his garment, and thus confirming their contract without the inspection of mutual agreement. This hadith has been narrated on the authority of Ibn Shihab through the same chain of transmitters.

Chapter 2: INVALIDITY OF A TRANSACTION BY THROWING A STONE

Book 10, Number 3614:

Abu Huraira (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade a transaction determined by throwing stones, and the type which involves some uncertainty.

Chapter 3: PROHIBITION OF HABAL AL-HABALA TRANSACTION

Book 10, Number 3615:

'Abdullah (b. 'Umar) (Allah be pleased with him) said that Allah's Messenger (may peace be upon him) forbade the transaction called habal al-habala.

Book 10, Number 3616:

Ibn 'Umar (Allah be pleased with them) reported that the people of pre-Islamic days used to sell the meat of the slaughtered camel up to habal al-habala. And habal al-habala implies that a she-camel should give birth and then the (born one should grow young) and become pregnant. Allah's Messenger (may peace be upon him) forbade them that (this transaction).

Chapter 4: IT IS FORBIDDEN THAT ONE SHOULD ENTER INTO A TRANSACTION ON WHICH ONE'S BROTHER HAS ALREADY BEEN NEGOTIATING, OR ONE SHOULD PURCHASE (IN OPPOSITION) TO ONE'S BROTHER, OR ONE SHOULD CHEAT AND RETAIN MILK IN THE UDDER (IN ORDER TO DECEIVE THE PURCHASER)

Book 10, Number 3617:

Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as having said this: One amongst you should not enter into a transaction when another is bargaining.

Book 10, Number 3618:

Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: A person should not enter into a transaction when his brother is already making a transaction and he should not make a proposal of marriage when his brother has already made a proposal except when lie gives permission.

Book 10, Number 3619:

Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: A Muslim should not purchase (in opposition) to his brother. This hadith has been narrated on the authority of Abu Huraira through another chain of transmitters but with a slight change of words.

Book 10, Number 3620:

Abu Huraira reported Allah's Messenger (may peace'be upon him) as saying: Do not go out to meet riders to enter into transaction with them; none of you must buy in opposition to another, nor must you bid against one another; a townsman must not sell for a man from the desert, and do not tie up udders of carnels and sheep, and he who buys them after that has been done has two courses open to him: after he has milked them he may keep them if he is pleased with them, or he may return them along with a sit of dates if he is displeased with them.

Book 10, Number 3621:

Abu Huraira (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade the (people) meeting the caravan (for entering into business transaction with them), and the selling of goods by a townsman on behalf of a man of the desert, and seeking by a woman the divorce of her sister (from her husband), and outbidding (against one another), and tying up the udders (of animals), and buying of (things) in opposition to one's brother. This hadith has been narrated through another chain of transmitters.

Book 10, Number 3622:

Ibn Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) forbade the outbidding (against another).

Chapter 5: IT IS FORBIDDEN TO MEET THE TRADERS IN THE WAY FOR GETTING UNDUE ADVANTAGE

Book 10, Number 3623:

Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Do not go out to meet merchandise in the way, (wait) until it is brought into the market. This hadith has been reported on the authority of Ibn Numair but with a slight change of words.

Book 10, Number 3624:

This hadith has been reported on the authority of 'Ubaidullah.

Book 10, Number 3625:

Abdullah (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: Do not meet the traders (in the way).

Book 10, Number 3626:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace he upon him) as saying: Do not meet the merchandise (in the way).

Book 10, Number 3627:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Do not meet the merchant in the way and enter into business transaction with him, and whoever meets him and buys from him (and in case it is done, see) that when the owner of (merchandise) comes into the market (and finds that he has been paid less price) he has the option (to declare the transaction null and void).

Chapter 6: IT IS FORBIDDEN FOR THE TOWNSMAN TO SELL ON BEHALF OF THE MAN OF THE DESERT

Book 10, Number 3628:

Abu Huraira (Allah be pleased with him) reported it directly from Allah's Apostle (may peace be upon him): The townsman'should not sell for a man from the desert (with a view to taking advantage of his ignorance of the market conditions of the city). And Zuhair reported from the Holy Prophet (may peace be upon him) that he forbade the townsman to sell on behalf of the man from the desert.

Book 10, Number 3629:

Ibn 'Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: The riders (carrying merchandise) should not be met in the way, and townsman should not sell for a man of the desert. The narrator reported. I said to Ibn 'Abbas: What do these words really imply-" The townsman for the man of the desert"? He said: That he should work as a broker on his behalf.

Book 10, Number 3630:

Jabir (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: The townsman should not sell for a man from the desert, leave the people alone, Allah will give them provision from one another. Yahya reported it with a slight change of words.

Book 10, Number 3631:

Jabir (Allah be pleased with him) reported a similar hadith from Allah's Apostle (may peace be upon him) through another chain of transmitters.

Book 10, Number 3632:

Anas b. Malik (Allah be pleased with him) reported: We were forbidden that a townsman should sell for a man of the desert, even if he is his brother or father.

Book 10, Number 3633:

Anas b. Malik (Allah be pleased with him) said: We were forbidden that a townsman should sell for a man of the desert.

Chapter 7 COMMAND PERTAINING TO THE SELLING OF ANIMAL WHOSE UDDER IS TIED UP

Book 10, Number 3634:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be'upon him) as saying: He who bought a goat having its udder tied up should go back with it, milk it, and, if he is satisfied with its milk, he should retair it, otherwise he should return it along with a sa' of dates.

Book 10, Number 3635:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who buys a goat with its udder tied up has the option to retain the goat if he so desires or return it within three days, and in case he returns it he should do so along with a sa' of dates.

Book 10, Number 3636:
Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: lie who buys a goat having its udder tied up has the option to return it within three days. If he returns it he should pay a sa' of dates. Wheat is not essential.
Book 10, Number 3637:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who buys a goat having its udder tied up has two courses left for him. He may retain it, and if he desires may return it along with a sa' of dates and not wheat.
Book 10, Number 3638:
Ayyub narrated with the same chain of transmitters but with this change of words:" He who buys a goat has the option...."
Book 10, Number 3639:
Hammam b. Munabbih said: Out of the ahadith which Abu Huraira (Allah be pleased with him) reported to us from Allah's Messenger (may peace be upon him) one is this that Allah's Messenger (may peace be upon him) said: If one among you buys a she-camel having its udder tied up he has the two options for him after milking it either (to retain it) or return it with a sa' of dates.
Chapter 8: IT IS INVALID TO SELL THE COMMODITY BEFORE TAKING POSSESSION OF IT
Book 10, Number 3640:
Ibn Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who buys foodgrain should not sell it until he has taken possession of it.
Book 10, Number 3641:
A hadith like this has been narrated through the same chain of transmitters.
Book 10, Number 3642:
Ibn Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who buys food-rain should not sell it until he has taken possession of it. Ibn Abbas (Allah be pleased with them) said: I regard everything like food (so far as this principle is concerned).
Book 10, Number 3643:
Ibn Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who buys foodgrain should not sell it, until he has weighed it (and then taken possession of it). I (Tawus) said to Ibn Abbas (Allah be pleased with them): Why is it so? Thereupon he said: Don't you see that they (the people) sell foodgrains against gold for the stipulated time. Abu Kuraib did not make any mention of the stipulated time.
Book 10, Number 3644:
Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who buys foodgrain should not sell it until he has taken full possession of it.
Book 10, Number 3645:
Ibn Umar (Allah be pleased with them) reported: We used to buy foodgrains during the lifetime of Allah's Messenger (may peace be upon him). He (the Holy Prophet) would then send to us one who commanded us to take them (the foodgrains) to a place other than the one where we had bought them before we sold it.
Book 10, Number 3646:
Ibn Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who buys foodgrain should not sell that before taking possession of it. He (the narrator) said: We used to buy foodgrain from the caravans in bulk, but Allah's Messenger (may peace be upon him) forbade us to re-sell that until we had shifted it to some other place.
Book 10, Number 3647:
Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who bought foodgrain should not sell it until he had taken full possession of it (after measuring it).
Book 10, Number 3648:
Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying,: He who bought foodgrain should not sell it until he had taken possession of it.

Book 10, Number 3649:
Ibn 'Umar (Allah be pleased with them) reported that they were beaten during the lifetime of Allah's Messenger (may peace be upon him) if they had bought foodgrains in bulk and then sold them in the spot without shifting them (to some other place).
Book 10, Number 3650:
Salim b. 'Abdullah (Allah be pleased with them) reported his father havingsaid this: I saw people being beaten during the lifetime of Allah's Messenger (may peace be upon him) in case they bought the foodgrain in bulk, and then sold them at that spot before taking it to their places. This hadith is narrated on the authority of 'Ubaidullah b. Abdullah b. 'Umar through another chain of transmitters (and the words are):" His father (Ibn 'Umar) used to buy foodgrains in bulk and then carried them to his people."
Book 10, Number 3651:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who bought foodgrain should not sell it until he had measured it. In the narration of Abu Bakr there the word is Ibta' instead of Ishtara.
Book 10, Number 3652:
Abu Huraira (Allah be please with him) is reported to have said to Marwan: Have you made lawful the transactions involving interest? Thereupon Marwan said: I have not done that. Thereupon Abu Huraira (may peace be upon him) said: You have made lawful the transactions with the help of documents only, whereas Allah's Messenger (may peace be upon him) forbade the transaction of foodgrains until full possession is taken of them. Marwan then addressed the people and forbade them to enter into such transactions (as are done with the help of documents). Sulaiman said: I saw the sentinels snatching (these documents) from the people.
Book 10, Number 3653:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: When you purchase foodgrains, do not sell them until you have taken possession of them.
Chapter 9: IT IS FORBIDDEN TO SELL THE REAP OF DATES THE WEIGHT OF WHICH IS UNKNOWN
Book 10, Number 3654:
Jabir b. Abdullah (Allah be pleased with them) is reported to have said that Allah's Messenger (may peace be upon him) forbade the sale of a heap of dates the weight of which is unknown in accordance with the known weight of dates.
Book 10, Number 3655:
This hadith is narrated on the authority of Jabir b. Abdullah (Allah be pleased with them) but with this variation that no mention is made of the dates (which one finds) at the end of the previous hadith.
Chapter 10: BOTH THE BUYERS AND THE SELLERS HAVE THE OPTION TO WITHDRAW THE TRANSACTION BEFORE LEAVING THE MEETING (WHERE THE BARGAIN IS STRUCK)
Book 10, Number 3656:
Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Both parties in a business transaction have the right to annul it so long as they have not separated; except in transactions which have been made subject to the right of parties to annul them.
Book 10, Number 3657:
This hadith has been narrated on the authority of Ibn 'Umar (Allah be pleased with them) through another chain of transmitters.
Book 10, Number 3658:
Ibn 'Umar (Allah be pleased with thcm) reported Allah's Messenger (may peace be upon him) as saying: When two persons enter into a transaction, each of them has the right to annul it so long as they are not separated and are together (at the place of transaction) ; or if one gives the other the right (to annul the transaction) But if one gives the other the option, the transaction is made on this condition (i. e. one has the right to annul the transaction), it becomes binding. And if they are

separated after they have made the bargain and none of them annulled it, even then the transaction is binding.
Book 10, Number 3659:
Abdullah b. 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: When two persons enter into a transac. tion, each one of them has the right to annul it so long as they are not separated, or their transaction gives one another (as a condition) the right of annulling, and if their transaction, has the right of annulling it the transaction becomes binding. Ibn Abi Umar made this addition that whenever he (Ibn Umar) entered into a transaction with a person with the intention of not breaking it, he walked a while and then returned to him.
Book 10, Number 3660:
Ibn Umar reported Allah's Messenger (may peace be upon him) as saying: There is no transaction between two persons entering a transaction until they separate, but only when there is an option to annul it.
Chapter 11: TRUTHFULNESS IN TRANSACITION AND DESCRIPTION (OF THE DEFECT IN THE COMMODITY)
Book 10, Number 3661:
Hakim b. Hazim (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Both parties in a business transaction have the right to annul it so long as they have not separated; and if they speak the truth and make everything clear they will be blessed in their transaction; but if they tell a lie and conceal anything the blessing on their transaction will be blotted out.
Book 10, Number 3662:
A hadith like this has been transmitted on the authority of Hakim b. Hizam (Imam Muslim) said: Hakim b. Hizam was born inside the Ka'ba and lived for one hundred and twenty years.
Chapter 12: HE WHO DECEIVES IN BUSINESS TRANSACTION
Book 10, Number 3663:
Abdullah b. Dinar narrated that he heard Ibn 'Umar (Allah be pleased with them) saying: A man mentioned to the Messenger of Allah (may peace be upon him) that he was deceived in a business transaction, whereupon Allah's Messenger (may peace be upon him) said: When you enter into a transaction, say: There should be no attempt to deceive.
Book 10, Number 3664:
This hadith has been narrated on the authority of 'Abdullah b. Dinar with the same chain of transmitters but these words are not found in it." When he buys he should say: There should be no attempt to deceive."
Chapter 13: PROHIBITION OF THE SALE OF FRUITS UNTIL THEY ARE CLEARLY IN GOOD CONDITION
Book 10, Number 3665:
Ibn 'Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) forbade the sale of fruits until they were clearly in good condition, he forbade it both to the seller and to the buyer.
Book 10, Number 3666:
Ibn 'Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) forbade the sale of palm-trees (i. e. their trults) until the dates began to ripen, and ears of corn until they were white and were safe from blight. He forbade the seller and the buyer.
Book 10, Number 3667:
Ibn Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Do not buy fruit until its good condition becomes clear, and (the danger) of blight is no more. He said: Its good condition becoming clear implies that it becomes red or yellow.
Book 10, Number 3668:
This hadith is reported or the authority of Yahya with the same chain of transmitters up to" until its good condition becomes clear," but lie did not mention what follows (these words).
Book 10, Number 3669:

This hadith has been narrated on the authority of Ibn 'Umar through another chain of transmitters.

Book 10, Number 3670:

Nafi, reported on the authority of Ibn Umar (Allah be pleased with them) a hadith like that narrated before.

Book 10, Number 3671:

Ibn Umar (Allah be pleased with them) reported Allah's Messenger' (may peace be upon him) as saying: Do not buy fruits (on the trees) until their good condition becomes clear. In the hadith transmitted on the authority of Shu'ba it was stated that Ibn Umar (Allah be pleased with them) was asked what good condition implied. He said: When (the danger of) blight is no more.

Book 10, Number 3672:

Jabir (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade (or forbade us) the sale of fruits until they are ripe in a good condition.

Book 10, Number 3673:

Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) forbidding the sale of fruit until its good condition is obvious.

Book 10, Number 3674:

Abu Bakhtari reported: I asked Ibn 'Abbas (Allah be pleased with them) about the sale of dates. He said: Allah's Messenger (may peace be upon him) forbade the sale of dates of the trees until one eats them or they are eaten (i. e. they are fit to be eaten) or until they are weighed (or measured). I said: What does it imply:" Until it is weighed"? Thereupon a person who was with him (Ibn Abbas) said: Until he is able to keep it with him (after plucking them).

Book 10, Number 3675:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Do not sell the fruits until their good condition becomes evident."

Chapter 14: IT IS FORBIDDEN TO SELL FRESH DATES AGAINST DRY DATES, EXCEPT IN CASE OF AL-ARAYA

Book 10, Number 3676:

Ibn Umar (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) forbidding the sale of fruits until their good condition becomes evident and the purchase of dates for dates. Zaid b. Thabit (Allah be pleased with him) said that Allah's Messenger (may peace be upon him) gave a concession in case of the sale known as al-araya, there is an addition of the word an tuba'a in the hadith transmitted by Ibn Numair.

Book 10, Number 3677:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Do not buy the fruit until their condition is clear, and do not buy the fresh dates. A hadith like this has been reported by Ibn 'Umar through another chain of transmitters.

Book 10, Number 3678:

Sa'id b. al-Musayyib said that Allah's Messenger (may peace be upon him) forbade the transaction of Af Muzabana and Muhaqala. Muzabana means that fresh dates on the trees should be sold against dry dates. Muhaqala implies that the wheat in the ear should be sold against the wheat and getting the land on rent for the wheat (produced in it). He (the narrator) said that the Holy Prophet (may peace be upon him) had aid: Do not sell fresh fruits on the trees until their good condition becomes manifest, and do not sell fresh dates on the trees against dry dates. Salim said: Abdullah informed me on the authority of Zaid b. Thabit, Allah's Messenger (may peace be upon him) having given concession afterwards in case of ariyya transactions by which dry dates can be exchanged with fresh dates, but he did not permit it in other cases.

Book 10, Number 3679:

Zaid b. Thabit (Allah be pleased with him) reported Allah's Messenger (may peace he upon him) having given concession in case of 'ariyya for selling dry dates (with) fresh dates after measuring them out.

Book 10, Number 3680:

Zaid b. Thabit reported that Allah's Messenger (may peace be upon him) give concession in case of 'ariyya transactions according to which the members of the household give dry dates according to a measure and then eat fresh dates (in exchange for it)
Book 10, Number 3681:
A hadith like this has been narrated on the authority of Nafi' with the same chain of transmitters.
Book 10, Number 3682:
Yahya b. Sa'id reported this hadith with the same chain of transmitters but with this change: 'Ariyya implies that date-palm trees should be donated to the people and then they sell it with a measure of dry dates.
Book 10, Number 3683:
Zaid b Thabit (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) gave concession in case of al-'ariyya transactions (for exchanging dates) for dates with measure. Yahya said: 'Ariyya implies that a person should buy fresh dates on the tree for his family to eat against a measure of dry dates.
Book 10, Number 3684:
Zaid b. Thabit (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) granting concession in case of 'ariyya transactions and that implies selling of (dry dates for fresh dates) according to a measure.
Book 10, Number 3685:
Ubaidullah reported this hadith with a slight change of words on the same authority (as quoted above).
Book 10, Number 3686:
Nafi, reported this hadith with the same chain of transmitters stating that Allah's Messengtr (may peace be upon him) granted concession in case of 'ariyya transactions (for exchange of the same commodity) with measure.
Book 10, Number 3687:
Bashair b. Yasir reported on the authority of some of the Companions of Allah's Messenger (may peace be upon him) among the members of his family among whom one was Sahl b. Abu Hathma that Allah's Messenger (may peace be upon him) forbade buying of fresh dates against dry dates and that it is Riba and this is Muzabana, but he made an exemption of 'ariyya (donations) of a tree or two in which case the members of a family sell dry dates and buy fresh dates for eating them.
Book 10, Number 3688:
Bushair b. Yasar reported on the authority of some of the Companion of Allah's Messenger (may peace be upon him) that he exempted the transactions, of 'ariyya (from the direct exchange of one kind) after measuring the dry dates (in exchange for fresh dates).
Book 10, Number 3689:
Bushair b. Yasir reported on the authority of some of the Companions of Allah's Messenger (may peace be upon hinn) from among the members of his family that he forbade (the direct exchange of a commodity having different qualities) but with the change that Ishaq and Ibn al-Muthanna used the word Zabn in place ot Riba and Ibn Abu 'Umar used the word Riba (interest).
Book 10, Number 3690:
A hadith like this has been narrated on the authority of Sahl b. Abu Hathma.
Book 10, Number 3691:
Sahl b. Abu Hathma reported Allah's Messenger (may peace be upon him) having forbidden Muzabana, i. e. exchange of fresh dates with dry dates. except in case of those to whom donations of some trees have been made. It is for them that concession has been given.
Book 10, Number 3692:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) having given exemption of 'ariyya transactions measuring less than five wasqs or up to five wasqs (the narrator Dawud is in doubt whether it was five or less than five).
Book 10, Number 3693:

Ibn Umar (Allah be pleased them) reported Allah's Messenger (may peace be upon him) having forbidden Muzabana, and Muzabana implies the selling of fresh dates for dry dates by measuring them out and the selling of raisins by measure for grapes.
Book 10, Number 3694:
'Abdullah (b. Umar) reported that Allah's Apostle (may peace be upon him) forbade Muzabana, i. e. buying of fresh dates (on) the trees for dry dates by measure, and the buying of grapes for raisins by measure and the selling of field of corn for corn by measure.
Book 10, Number 3695:
A hadith like this has been narrated on the authority of 'Ubaidullah with the same chain of transmitters.
Book 10, Number 3696:
Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) having forbidden Muzabana, and Muzabana is the selling of dry dates by measure for fresh dates and the selling of raisins by measure for grapes and selling of all Ports of fruits on the basis of calculation.
Book 10, Number 3697:
Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) having forbidden Muzabana, and Muzabana implies the selling of dry dates for fresh dates on the tree with a definite measure (making it clear) that in case it increases, it belongs to me and if it is less, it is my responsibility.
Book 10, Number 3698:
A hadith like this has been transmitted on the authority of Ayyub.
Book 10, Number 3699:
Abdullah (b. Umar) (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) having forbidden Mazabana, and it implies that one should sell the fresh fruits of his orchard (for dry fruits) or, if it is fresh dates, for dry dates with a measure, or if it is grapes for raisins or if it is corn in the field for dry corn with a measure He (the Holy Prophet) in fact forbade all such transactions. Qutaiba has narrated it with a slight variation of words. This hadith has been narrated on the authority of Nafi with another chain of transmitters.
Chapter 15: PERTAINING TO ONE WHO SELLS DATE-PALM TREE WITH DATES HANGING ON ITS BRANCHES
Book 10, Number 3700:
Ibn Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: If anyone buys palm-trees after they have been fecundated the fruit belongs to the seller unless the buyer makes a proviso.
Book 10, Number 3701:
Nafi reported on the authority of Ibn Umar (Allah be pleased with them) that the Messenger of Allah (may peace be upon him) said: Whichever tree is bought with its roots, and if it is fecundatedits fruit would belong to one who has grafted it except when the provision is laid down by the buyer.
Book 10, Number 3702:
Ibn Umar (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) as saying: Whosoever grafts the tree and then sells its roots, its fruit will belong to one who grafts it except when provision is laid down by the buyer.
Book 10, Number 3703:
This hadith has been narrated on the authority of Nafi, with the same chain of transmitters.
Book 10, Number 3704:
Abdullah b. Umar (Allah be pleased with them) reported Allah's Massenger (may peace be upon him) as saying: He who buys a tree after it has been fecundated, its fruit belongs to one who sells it except when the provision has been laid down by the buyer (that it will belong to him), and he who buys a slave, his property belongs to one who sells him except when a provision has been laid down by the buyer (that it will be transferred to him with the slave).
Book 10, Number 3705:
A hadith like this has been narrated on the authority of al Zuhri.

Book 10, Number 3706:
Ibn Umar reported on the authority of his father as Allah's Apostle (may peace be upon him) saying so.
Chapter 16: FORBIDDANCE OF AL-MUHAQALA, AND AL MUZABANA, AND AL-MUKHABARA, AND THE SALE OF FRUITS BEFORE THEIR GOOD CONDITION IS CLEAR, AND AL-MU'AWAMA. I. E. THE SALE FOR SOME YEARS
Book 10, Number 3707:
Jabir b. Abdullah (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) had forbidden Muhaqala. and Muzabana, Mukhibara and the sale of fruits until their good condition becomes clear, and (he commanded) that (commodities) should not be sold but for the dinar and dirham except in case of araya.
Book 10, Number 3708:
Jabir b. 'Abdullah (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) forbade the types of sales as described before.
Book 10, Number 3709:
Jabir b. 'Abdullah (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) forbade Mukhabara and Muhaqala, and Muzabana, and the sale of the fruit until it is fit for eating, and its sale but with dirham and dinar. Exception is made in case of 'araya. Ata' said: Jabir explained (these terms) for us. As for Mukhabara it is this that a wasteland is given by a person to another and he makes an investment in it and then gets a share in the produce. According to him (Jabir), Muzabana is the sell of fresh dates on the tree for dry dates with a measure, and Muhaqala in agriculture implies that one should sell the standing crop for grains with a measure.
Book 10, Number 3710:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) forbidding Muhaqala, and Muzabana, and Mukhabara, and the buying of date-palm until its fruit is ripened (ripening means that its colour becomes red or yellow, or it is fit for being eaten). And Muhaqala implies that crops in the field are bought for grains according to a customary measure. Muzabana implies that date-palm should be sold for dry dates by measuring them with wisqs, and al-Mukhabara is (a share), maybe one-third or one-fourth (in produce) or something like it. Zaid (one of the narrators) said to Ata' b. Abu Rabah (the other narrator): Did You bear Jabir b. Abdullah (Allah be pleased with them) making a mention of it that he had heard it directly from Allah's Messenger (may peace be upon him)? He said: Yes.
Book 10, Number 3711:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) forbidding Muzabana and Muhaqala, and Mukhabara, and the sale of fruits until they are ripe. I (the narrator) said to Sa'id (the other narrator): What does ripening imply? He said: It meant that they become red or become yellow and are fit for eating.
Book 10, Number 3712:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) forbidding Muhaqala and Muzabana and Mu'awama and Mukhabara. (One of the narrators) 'said: Sale years ahead is Mu'awama, and making exceptional but he made an exemption of araya.
Book 10, Number 3713:
A hadith like this has been narrated on the authority of Jabir (Allah be pleased with him) from Allah's Apostle (may peace be upon him). but he made no mention of transactions years (ahead) implying Mu'awama.
Book 10, Number 3714:
Jabir b. Abdullah (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) forbade leasing of land, and selling ahead for years and selling of fruits before they become ripe.
Chapter 17: LEASING OUT LAND
Book 10, Number 3715:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) having forbidden the renting of land.

Book 10, Number 3716:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who has land should cultivate it himself, but if he does not cultivate it himself, then he should let his brother cultivate it.
Book 10, Number 3717:
Jabir b. Abdullah (Allah be pleased with them) reported some of the Companions of Allah's Messenger (may peace be upon him) had surplus of land. Thereupon Allah's Messenger (may peace be upon him) said: He, who has surplus land (in his possession) should cultivate it, or he should lend it to his brother for benefit, but if he refuses to accept it, he should retain it.
Book 10, Number 3718:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) having forbidden taking of rent or share of land.
Book 10, Number 3719:
Jabir (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who has land should cultivate it, but if he does not find it possible to cultivate it, or finds himself helpless to do so, he should lend it to his Muslim brother, but he should not accept rent from him.
Book 10, Number 3720:
Sulaiman b. Musa asked Ata': Did Jabir b. 'Abdullah (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) as saying:" He who has land should cultivate it himself, or let his brother cultivate it, and should not give on rent"? He said: Yes.
Book 10, Number 3721:
Jabir (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) having forbidden Mukhabara.
Book 10, Number 3722:
Jabir b. Abdullah (Allah be pleased with them) heard Allah's Messenger (may peace be upon him) say: He who has surplus of land should either cultivate it himself, or let his brother cultivate it, an should not sell it. I (the narrator) said to Sa'id: What does his statement" do not sell it" mean? Does it imply" rent"? He said: Yes.
Book 10, Number 3723:
Jabir b. 'Abdullah reported: We used to cultivate land on rent during the lifetime of Allah's Apostle (may peace be upon him) and we got a share out of the grain left in the ears after threshing them and something unspecified. Allah's Messenger (may peace be upon him) said: He who has land should cultivate it or let his brother till it, otherwise he should leave it.
Book 10, Number 3724:
Jabir b. Abdullah (Allah be pleased with them) reported: We used to get land (on rent) during the lifetime of Allah's Messeuge, (may peace be upon him) with a share of one-third or one-fourth (of the produce from the land irrigated) with the help of canals. Thereupon Allah's Messenger (may peace be upon him) stood up (to address) and said: HRe who has land should cultivate it, and if he does not cultivate it, he should lend it to his brother, and if he does not lend it to his brother, he should then retain it.
Book 10, Number 3725:
Jabir (Allah he pleased with him) reported: I heard Allah's Apostle (may peace be upon him) as saying: He who has (surplus) land should donate it (to others), or lend it. This hadith has been narrated on the authority of A'mash with the same chain of transmitters, but with a slight change of words.
Book 10, Number 3726:
Jabir b. `Abdullah (Allah be pleased with them) reportedthat Allah's Messenger (may peace be upon him) had forbidden renting of land. Bukair (one of the narrators) said: Nafi` reported to me that he heard Ibn `Umar (Allah be pleased with them) saying: We usedto give land on rent; we then abandoned this practice when we heard the hadith of Rafi` b. Khadij.
Book 10, Number 3727:
Jabir (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) forbidding the selling (renting of) uncultivated land for two years or three.

Book 10, Number 3728:
Jabir (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) forbidding selling of (produce) in advance for two years, and in the narmtion of Ibu Abd Shaiba (the words are):" Selling of the fruits (on the tree) in advance for two years."
Book 10, Number 3729:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who has land should cultivate it or lend it to his brother, but if he refuses, he should retain his land.
Book 10, Number 3730:
Jabir b. Abdullah (Allah be pleased with them) reported: I heard Allah's Messenger (may peace be upon him) forbidding Muzabana, and Huqul. Jabir b. Abdullah (Allah be pleased with them) said: Muzabana means the selling of fruits for dry dates and Huqul is the renting of land.
Book 10, Number 3731:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) forbidding Muhaqala and Muzabana.
Book 10, Number 3732:
Abu Sa'id al-Khudri (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) having forbidden Mazabana and Muhaqala. Muzibana means the buying of fruits on the trees and Muhaqala is the renting of land.
Book 10, Number 3733:
Zaid b. Amr reported: I heard Ibn Umar (Allah be pleased with them) say: We did not see any harm in renting of the land, but as the first year was over Rafi' alleged Allah's Apostle (may peace be upon him) having forbidden that.
Book 10, Number 3734:
This hadith has been narrated on the authority of Amr b. Dinar with the same chain of transmitters but (in) the hadith transmitted on the authority of 'Uyainah (the words are):" We abandoned it (renting) on account of that."
Book 10, Number 3735:
Ibn 'Umar (Allah be pleased with them) reported: Rafi forbade us from benefitting from our land (in the form of rent).
Book 10, Number 3736:
Nafi reported that Ibn Umar (Allah be pleased with them) rented his land during the lifetime of Allah's Messenger (may peace be upon him) and during the caliphate of Abu Bakr and that of Umar and that of Uthman (Allah be pleased with them) and during the early period of Muawiya's caliphate until at the end of Muawiya's reign, it reached him (Ibn 'Umar) that Rafi b. Khadij (Allah be pleased with him) narratted (a hadith) in which (there was a decree) of prohibition by Allah's Apostle (may peace be upon him). He (Ibn 'Umar) went to him (Rafi b. Khadij) and I was with him and he asked him, whereupon he said: Allah's Messenger (may peace be upon him) used to forbid the renting of land. So Ibn Umar (Allah be pleased with them) abandoned it, and subsequently whenever he was asked about it, he said: Rafi b. Khadij (Allah be pleased with him) alleged that Allah's Messenger (may peace be upon him) forbade it.
Book 10, Number 3737:
This hadith has been narrated on the authority of Ayyub and he made an addition in the hadith narrated by Ibn Ulayya in which he said: Ibn Umar abandoned it afterwards and he did not rent it (the land).
Book 10, Number 3738:
Nafi reported: I went to Rafi b. Khadij in the company of Ibn 'Umar (All be pleased with them) until he (Ibn 'Umar) came to him at Balat (a place near Prophet's Mosque at Medina) and he (Rafi b. Khadij) informed him that Allah's Messenger (may peace be upon him) had forbidden the renting of land.
Book 10, Number 3739:

Nafi, reported from Ibn Umar (Allah be pleated with them) that he came to Rafi and he narrated this hadith from Allah's Apostle (may peace be upon him).

Book 10, Number 3740:

Nafi, reported that Ibn Umar (Allah be pleased with them) used to rent the land, and that he was conveyed the hadith transmitted on the authority of Rafi b. Khadij. He (the narrator) said: He then went to him along with me. He (Rafi) narrated from some of his uncles in which it was mentioned that Allah's Apostle (may peace be upon him) forbade the renting of land. Ibn 'Umar (Allah be pleased with them) then abandoned this practice of renting. This hadith has been narrated through another chain of transmitters.

Book 10, Number 3741:

Salim b. Abdullah reported that AbduUah b. Umar (Allah be pleased with them) used to give land on rent until (this news) reached him that Rafi b. Khadij Ansari used to forbid the renting of land. Abdullah met him and said: Ibn Khadij, what is this that you narrate from Allah's Messenger (may peace be upon him) pertaining to renting of land? Rafi b. Khadij said to Abdullah: I heard it from two uncles of mine and they had participated in the Battle of Badr who narrated to the members of the family that Allah's Messenger (may peace be upon him) forbade the renting of land. Abdullah said: I knew it that the land was rented during the lifetime of Allah's Messenger (may peace be upon him). Abdullah then apprehended that Allah's Messenger (may peace be upon him) might have said something new in this connection (in regard to prohibition of renting) which I failed to know. So he abandoned the renting of land.

Chapter 18: RENTING OF LAND FOR FOOD

Book 10, Number 3742:

Rafi b. Khadij (Allah be pleased with him) reported: We used to give on rent land during the lifetime of Allah's Messenger (may peace be upon him). We rented it on the share of one-third or one-fourth of the (produce) along with a definite quantity of corn. One day a person from among my uncles came to us and said: Allah's Messenger (may peace be upon him) forbade us this act which was a source of benefit to us, but the obedience to Allah and to His Messenger (may peace be upon him) is more beneficial to us. He forbade us that we should rent land with one-third or one-fourth of (the produce) and the corn of a measure, and he commanded the owner of land that he should cultivate it or let it be cultivated by other (persons) but he showed disapproval of renting it or anything besides it.

Book 10, Number 3743:

Rafi b. Khadij (Allah be pleased with him) reported: We used to give land on rent, and we rented it on one-third or one-fourth share. The rest of the hadith is the same.

Book 10, Number 3744:

This hadith has been narrated on the authority of Rafi' b. Khadij with the same chain of transmitters, but in it no mention is made of some of his uncles.

Book 10, Number 3745:

Rafi (Allah be pleased with him) reported that Zuhair b. Rafi (who was his uncle) came to me and said: Allah's Messenger (may peace be upon him) forbade a practice which was useful for us. I said: What is this? (I believe) that whatrver Allah's Messenger (may peace be upon him) says is absolutely true. He (Zuhair) said that he (the Holy Prophet) asked me: What do you do with your cultivable lands? I said: Allah's Messenger, we rent those irrigated by canals for dry dates or barley. He said: Don't do that. Cultivate them or let them be cultivated (by others) or retain them yourself.

Book 10, Number 3746:

This hadith has been transmitted on the authority of Rafi from the Prophet (may peace be upon him) about this, but he did not make mention of his uncle Zuhair.

Chapter 19: RENTING OF LAND BY GOLD AND SILVER

Book 10, Number 3747:

Hanzala b. Qais reported that he asked Rafi b. Khadij (Allah be pleased with him) about renting of land, whereupon he said: Allah's Messenger (may peace be upon him) forbade the renting of land. I said: Is it forbidden (even if it is paid) in gold (dinar) and silver (dirham)? Thereupon he said: If it is paid in gold and silver, there is no harm in it.

Book 10, Number 3748:
Hanzala b. Qais al-Ansri reported: I asked Rafi' b. Khadij about the renting of land for gold and silver, whereupon he said: There is no harm in it for the people let out land situated near canals and at the ends of the streamlets or portion of fields. (But it so happened) that at times this was destroyed and that was saved. whereas (on other occasions) this portion was saved and the other was destroyed and thus no rent was payable to the people (who let out lands) but for this one (which was saved). It was due to this that he (the Holy Prophet) prohibited it. But if there is something definite and reliable (e. g. money). there is no harm in it.
Book 10, Number 3749:
Hanzala reported that he heard Rafi' b. Khadij (Allah be pleased with him) say: We were the major agriculturists of the Ansar and so we let out land (saying): The produce of this (part of land) would be ours and (the produce) of that would be theirs. But it so happened that at times this (land) gave harvest, but the other one produced nothing. So he (the Holy Prophet) forbade this. But so far as the payment in silver (dirham, a coin) is concerned, he did not forbid.
Book 10, Number 3750:
This hadith has been narrated on the authority of Yahya b. Sa'id with the same chain of transmitters.
Chapter 20: IN THE SARE CROPPING AND LEASING
Book 10, Number 3751:
Abdullah b. al Sa'ib reported: I asked Abdullah b. Ma'qil about Muzara'a (cultivating land on share basis in the produce). He said: Thabit b. Dahhak informed me that Allah's Messenger (may peace be upon him) forbade Muzara'a as Ibn Abu Shaiba forbade it with a slight change of words. He (the narrator) said: I asked Ibn Ma'qil but he did not name 'Abdullah.
Book 10, Number 3752:
Abdullah b. al-Sa'ib reported: We visited 'Abdullah b. Ma'qil and asked him about sharing of crops, whereupon he said: Thabit alleged that Allah's Messenger (may peace be upon him) forbade Muzara'a and commanded leasing it out on rent (for money) and said: There is no harm in it.
Chapter 21: THE LAND IS GRANTED
Book 10, Number 3753:
Mujahid said to Tiwus: Come along with me to Ibn Rafi b. Khadij in order to listen from him the hadith transmitted on the authority of his father (pertaining to the renting of land) from Allah's Apostle (may peace be upon him). He (Tawus) scolded him and said: By Allah, it I were to know that Allah's Messenger (may peace be upon him) had forbidden it, I would have never done it. But it has been narrated to me by one who has better knowledge of it amongst them (and he meant Ibn 'Abbas) that Allah's Messenger (may peace be upon him) said: It is better if a person lends, his land to his brother (for cultivation) than that he gets recognised rent on it.
Book 10, Number 3754:
Tawus reported that he let out his land on rent, whereupon Amr said: I said to him: Abu Abd al-Rahrman, I wish if you abandon this renting of land, for they alleged that Allah's Apostle (may peace be upon him) forbade Mukhabara. He siad: Amr, one who has informed me has the best knowledge of it among them (he meant Ibn Abbas). (He said) that Allah's Apostle (may peace be upon him) did not prohibit it altogether, but said: Lending of land by one among you to his brother is better for him than getting a specified amount of produce from it.
Book 10, Number 3755:
A hadith like this has been transmitted on the authority of Ibn Abbas (Allah be pleased with them).
Book 10, Number 3756:
Ibn Abbas (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) as saying: If one among you lets out land to his brother, that is better for him than if he receives such and such (the definite thing). Ibn 'Abbis (Allah be pleased with them) said: It is Haql, and in the parlance of the Ansr it is Muhaqala.
Book 10, Number 3757:
Ibn Abbas (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) as saying: He who has land, it is better for him that he should let it out to his brother.

Chapter 22: SHARING OF FRUITS

Book 10, Number 3758:

Ibn Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) contracted with the people of Khaibar the (trees) on the condition that he would have half the produce in fruits and harvest.

Book 10, Number 3759:

Ibn Umar (Allah be pleased with them) reported: Allah's Messenger (may peace be upon him) handed over the land of Khaibar (on the condition) of the share of produce of fruits and harvest, and he also gave to his wives every year one hundred wasqs: eighty wasqs of dates and twenty wasqs of barley. When 'Umar became the caliph he distributed the (lands and trees) of Khaibar, and gave option to the wives of Allah's Apostle (may peace be upon him) to earmark for themselves the land and water or stick to the wasqs (that they got) every year. They differed in this matter. Some of them opted for land and water, and some of them opted for wasqs every year. 'A'isha and Hafsa were among those who opted for land and water.

Book 10, Number 3760:

Abdullah b. Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) contracted with the people of Khaibar (land and trees on the condition that they should give) half of the yield from land and trees. The rest of the hadith is the same. In the hadith transmitted on the authority of AIi b. Mushir there is no mention of it, but that A'isha and Hafsa were those who opted for land and water, but he (the narrator) said: He (Hadrat 'Umar, gave option to the wives of Allah's Apostle (may peace be upon him) that land would be earmarked for them, but he made no mention of water.

Book 10, Number 3761:

'Abdullah b. Umar (Allah be pleased with them) reported that when Khaibar had been conquered, the Jews asked Allah's Messenger (may peace be upon him) to let them continue (cultivation in those lands) on half of the share of yield in fruits and crop, whereupon Allah's Messenger (may peace be upon him) said: I will allow you to continue here, so long as we would desire. The rest of the hadith is the same, but with this addition:" The fruit would be distributed equal to the half of Khaibar. And out of hall of the produce of the land, Allah's Apostle (may peace be be upon him) got the fifth part."

Book 10, Number 3762:

Abdullah b. Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) returned to the Jews of Khaibar the date-palms of Khaibar and its land on the condition that they should work upon them with their own wealth (seeds, implements), and give half of the yield to Allah's Messenger (may peace be upon him).

Book 10, Number 3763:

Ibn Umar reported that 'Umar b. al-Khattab (Allah be pleased with him) expelled the Jews and Christians from the land of Hijaz, and that when Allah's Messenger (may peace be upon him) conquered Khaibar he made up his mind to expel the Jews from it (the territory of Khaibar) because, when that land was conquered, it came under the sway of Allah, that of His Messenger (may peace be upon him) and that of the Muslims. The jews asked Allah's Messenger (may peace be upon him) to let them continue there on the condition that they would work on it, and would get in turn half of the fruit (of the trees), whereupon Allah's Messenger (may peace be upon him) said: We would let you continue there so long as we will desire. So they continued (to cultivate the lands) till 'Umar externed them to Taima' ang Ariha (two villages in Arabia, but out of Hijaz).

Chapter 23: EXCELLENCE OF PLANTING OF TRESS AND TILLING OF LAND

Book 10, Number 3764:

Jabir (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Never a Muslim plants a tree, but he has the reward of charity for him, for what is eaten out of that is charity; what is stolen out of that, what the beasts eat out of that, what the birds eat out of that is charity for him. (In short) none incurs a los! k to him but it becomes a charity on his part.

Book 10, Number 3765:

Jabir (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) visited Umm Mubashshir al-Ansariya at her orchard of date-palms and said to her: Who has planted these trees of dates-a Muslim or a non-Musim? She said: A Muslim, of course, whereupon he said: Never a Muslim plants, or cultivates a land, and it out of that men eat, or the animals eat, or anything else eats, but that becomes charity on his (planter's) behalf.
Book 10, Number 3766:
Jabir b. 'Abdullah (Allah be pleased with them) reported: I heard Allah's Messenger (may peace be upon him) saying: Never does a Muslim plant, or cultivate, but has reward for him for what the beasts eat, or the birds eat or anything else eats out of that.
Book 10, Number 3767:
Jabir b. Abdullah (Allah be pleased with them) reported: Allah's Apostle (may peace be upon him) visited the orchard of Umm Ma'sud and said: Umm Ma'bad. he who has planted this tree, is he a Muslim or a non-Muslim? She said: Of course, he is a Muslim, whereupon he (the Holy Prophet) said: No Muslim who plants (trees) and from their fruits the human beings or the beasts or birds eat, but that would be taken as an act of charity on the Day of Resurrection.
Book 10, Number 3768:
This hadith is transmitted on the authority of Abu Muawiya (but With a slight change of words).
Book 10, Number 3769:
Anas reported Allah's Messenger (may peace be upon him) as saying Never does a Muslim plant trees or cultivate land and birds or a man or a beast eat out of them but that is a charity on his behalf.
Book 10, Number 3770:
Anas b. Malik (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) visited the date-palms of Umm Mubashshir (Allah be pleased with her), a lady from the Ansar, and said: Who planted this palm-a Muslim or an unbelievers The rest of the hadith is the same.
Chapter 24: REMISSION IN THE PAYMENT OF YIELD STRICKEN BY CALAMITY
Book 10, Number 3771:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) saying: If You sell fruits to your brother (and Jabir b. Ahduthh reported through another chain of narrators: If you were to sell fruits to your brother) and these is a stricken with Calamity, it is not permissible for you to get anything from him. Why do you get the wealth of your brother, without jutification?
Book 10, Number 3772:
A hadith like this has been narrated on the authority of Juraij with the same chain of transmitters.
Book 10, Number 3773:
Anas (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) forbade the sale of the fruit of date-palms until it becomes mellow. We (some of the other narrators in the chain of transmitters) said: What does the word" mellow" mean? He said: (There the fruit) turns red or yellow. Don't you see if Allah had checked (the growth of) fruits; then what for the wealth of your brother would be permissible for you?
Book 10, Number 3774:
Anas b. Malik (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade the sale of fruits until these are mellow. They (the companions of Anas) said: What is meant by" mellow"? He said: It implies that these became red. He said: When Allah hinders the growth of fruits, (then) what for the wealth of your brother would become permissible for you?
Book 10, Number 3775:
Anas (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: If Allah does not fructify them, then what is permissible for one of you to take the wealth of his brother?
Book 10, Number 3776:
Jabir (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) commanded to make deductions in the payment of that stricken with a Calamity.
Chapter 25: EXCELLENCE OF MAKING REDUCTION IN THE DEBT
Book 10, Number 3777:

Abu Sa'id al-Khudri (Allah be pleeased with him) reported that in the time of Allah's Messenger (may peace be upon him) a man suffered loss in fruits he had bought and his debt increased; so Allah's Messenger (may peace be upon him) told (the people) to give him charity and they gave him charity, but that was not enough to pay the debt in full, whereupon Allah's Messenger (may peace be upon him) said to his creditors:" Take what you find, you will have nothing but alms.

Book 10, Number 3778:

This hadith has been narrated on the authority of Bukair b. al-Ashajj with the same chain of transmitters.

Book 10, Number 3779:

A'isha (Allah be pleased with her) reported: Allah's Messenger (may peace be upon him) heard the voices of altercation of two disputants at the door; both the voices were quite loud. The one demanded some remission and desired that the other one should show leniency to him, whereupon the (other one) was saying: By Allah will not do that. Then there came Allah's Messenger (may peace be upon him) to them and said: Where is he who swears by Allah that he would not do good? He said: Massenger of Allah, it is I. He may do as he desires.

Book 10, Number 3780:

Abdullah b. Ka'ab b. Malik reported from his father that he pressed in the mosque Ibn Abu Hadrad for the payment of the debt that he owed to him during the lifetime of Allah's Messenger (may peace be upon him). (In this altercation) their voices became loud, until Allah's Messenger (may peace be upon him) heard them, while he was in the house, so Allah's Messenger (may peace be upon him) came out towards them, and he lifted the curtain of his apartment and he called upon Ka'b b. Malik and said: O Ka'b. He said: At thy beck and call, Allah's Messenger. He pointed out with the help of his hand to remit half of the loan due to him. Ka'b said: Allah's Messenger, I am ready to do that, whereupon Allah's Messenger (may peace be upon him) said (to Ibn Abu Hadrad): Stand up and make him the payment (of the rest).

Book 10, Number 3781:

Ka'b b. Malik reported that he made a demand for the payment of the debt that Ibn Abu Hadrad owed to him. This hadith is narrated through another chain of transmitters and (the words are):" He had to get the loan from Abdullah b. Hadrad al-Aslami. He met him and pressed him for payment. There was an altercation between them, until their voices became loud. There happened to pass by them Allah's Messenger (may peace be upon him) and he said: O Ka'b, and pointed out with his hand in such a way as he meant half. So he got half of what he (Ibn Abu Hadrad) owed to him and remitted the half."

Chapter 26: IF THE BUYER BECOMES INSOLVENT AND THE SELLER FINDS THE COMMODITY SOLD TO THE BUYER INTACT, HE CAN TAKE IT BACK

Book 10, Number 3782:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who found his property intact with a person (who bought it but who later on) became insolvent (or a person who became insolvent), he (the seller) is entitled to get it more than anyone else. '

Book 10, Number 3783:

This hadith has been narrated on the authority of Yahya b. Sa'id with the same chain of transmitters (but with a slight variation of words and these are)" Whenever a man becomes poor."

Book 10, Number 3784:

Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) saying about a person who becomes insolvent and (the thing bought by him) is found intact with him, that belongs to one who sold it.

Book 10, Number 3785:

Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: When a man becomes insolvent (and the other) man (the seller) finds his commodity intact with him, he is more entitled to get it (than anyone else)

Book 10, Number 3786:

This hadith has been narrated on the authority of Qatada with the same chain of transmitters (but with a change of these words):" He is more entitled to get it than any other creditor."

Book 10, Number 3787:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: When a inan becomes insolvent, and the other person (seller) finds his goods intact with him, he is more entitled to get them than anyone else.

Chapter 27: MERIT OF GIVING RESPITE TO ONE WHO IS IN STRAITENED CIRCUMSTANCES

Book 10, Number 3788:

Hudhaifa reported Allah's Messenger (may peace be upon him) as saying The angels took away the soul of a person who had lived among people who were before you. They (the angels) said: Did you do anything good? He said: No. they said: Try to recall. He said: I used to lend to people and order my servants to give respite to one in straitened circumstances and give allowance to the solvent, for Allah, the Exalted and Majestic, said (to the angels): You should ignore (his failing).

Book 10, Number 3789:

Hudhaifa reported: A person met his Lord (after death) and He said: What (good) did you do? He said: I did no good except this that I was a rich man, and I demanded from the people (the repayment of debt that I advanced to them). I, however, accepted that which the solvent gave and remitted (the debt) of the insolvent, whereupon He (the Lord) said: You should ignore (the faults) of My servant. Abu Mas'ud (Allah be pleased with him) said: This is what I heard Allah's Messenger (may peace be upon him) as saying.

Book 10, Number 3790:

Hudhaifa (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: A person died and he entered Paradise. It was said to him What (act) did you do? (Either he recalled it himself or he was made to recall), he said I used to enter into transactions with people and I gave respite to the insolvent and did not show any strictness in case of accepting a coin or demanding cash payment. (For these acts of his) he was granted pardon. Abu Mas'ud said: I heard this from Allah's Messenger (may peace be upon him).

Book 10, Number 3791:

Hudhaifa (Allah be pleased with him) reported: A servant from amongst the servants of Allah was brought to Him whom Allah had endowed with riches. He (Allah) said to him: What (did you do) in the world? (They cannot conceal anything from Allah) He (the person) said: O my Lord, You endowed me with Your riches. I used to enter into transactions with people. It was my nature to be lenient to (my debtors). I showed leniency to the solvent and gave respite to the insolvent, whereupon Allah said: I have more right than you to do this to connive at My servant. 'Uqba b. 'Amir al-Juhani and Abu Mas'ud said: This is what we heard from Allah's Messenger (may peace be upon him).

Book 10, Number 3792:

Abu Mas'ud (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: A person from people who lived before you was called to account (by Allah at the Day of Judgment) and no good was found in his account except this that lie being a rich man had (financial) dealings with people and had commanded his servants to show leniency to the straitened ones. Upon this Allah, the Exalted and Majestic, said: We have more right to this, so overlook (his faults).

Book 10, Number 3793:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: There was a person who gave loans to the people and said to his men: When an insolvent comes to you show him leniency that Allah may overlook our (faults). So when he met Allah, He overlooked his faults (forgave him).

Book 10, Number 3794:

A hadith like this is narrated on the authority of Abu Huraira (Allah be pleased with him).

Book 10, Number 3795:

Abdullah b. Abu Qatida reported that Abu Qatada (Allah be pleased with him) demanded (the payment of his debt) from his debtor but he disappeared; later on he found him and he said: I am hard

up financially, whereupon he said: (Do you state it) by God? He said: By God. Upon this he (Qatada) said: I heard Allah's Messenger (may peace be upon him) as saying: He who loves that Allah saves him from the torments of the Day of Resurrection should give respite to the insolvent or remit (his debt) This hadith has been narrated on the authority of Ayyob with the same chain of transmitters.

Chapter 28: IT IS FORBIDDEN FOR A SOLVENT TO MAKE DELAY IN THE PAYMENT OF DEBT, AND THE DESIRABILITY OF A REFERENCE, AND IT IS EXCELLENT FOR THE RICH MAN TO ACCEPT THAT WHEN REFERENCE IS MADE TO HIM

Book 10, Number 3796:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Delay (in the payment of debt) on the part of a rich man is injustice, and when one of you is retired to a rich man, he should follow him.

Book 10, Number 3797:

A hadith like this has been transmitted on the authority of Abu Huraira (Allah be pleased with him).

Chapter 29: PROHIBITION OF THE SALE OF EXCESS WATER IN THE BARREN LANDS, AND PREVENTING PEOPLE TO USE IT, AND HIRING A CAMEL TO COVER A SHE-CAMEL

Book 10, Number 3798:

Jabir b. 'Abdullah (, Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade the sale of excess water.

Book 10, Number 3799:

Jabir b. 'Abdullah (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade the hiring of a Camel to cover a she-Camel and from selling water and land to be tilled. So from all this the Messenger of Allah (may peace be upon him) forbade.

Book 10, Number 3800:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Excess water must not be withheld so that the growth of herbage may be hindered.

Book 10, Number 3801:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Do not withhold excess of water, so that you may prevent the growth of herbage.

Book 10, Number 3802:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: The excess of water should not be sold in order to enable the sate of herbage.

Chapter 30: THE PRICE OF A DOG, THE SWEETS OF A KAHIN, THE EARNINGS OF A PROSTITUTE AND THE SELLING OF A CAT ALL FORBIDDEN

Book 10, Number 3803:

Aba Mas'ud al-Ansari (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) forbade the charging of price of the dog, and earnings of a prostitute and sweets offered to a kahin.

Book 10, Number 3804:

A hadith like this is reported on the authority of Abu Mas'ud through another chain of transmitters.

Book 10, Number 3805:

Rafi b. Khadij (Allah be pleased with him) reported: I heard Allah's Apostle (may peace be upon him) as saying: The worst earning is the earning of a prostitute, the price of a dog and the earning of a cupper.

Book 10, Number 3806:

Rafi b. Khadij reported Allah' Messenger (may peace be upon him) as saying: The price of a dog is evil, the earning of a prostitute is evil and the earning of a cupper is evil.

Book 10, Number 3807:

A hadith like this has been narrated on the authority of Rifi' b. Khadlj through another chain of transmitters.

Book 10, Number 3808:

Abu Zubair said: I asked Jabir about the price of a dog and a cat; he said: Allah's Messenger (may peace be upon him) disapproved of that.

Chapter 31: COMMAND OF KILLING DOGS AND THEN ITS ABROGATION, AND PROHIBITION OF KEEPING THEM BUT FOR HUNTING AND PROTECTION OF LANDS OR CATTLE OR LIKE THAT

Book 10, Number 3809:

Ibn 'Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) giving command for killing dogs.

Book 10, Number 3810:

Ibn 'Umar (Allah be pleased with them) reported: Allah's Messenger (may peace be upon him) ordered to kill dogs, and he sent (men) to the corners of Medina that they should be killed.

Book 10, Number 3811:

Abdullah (b. Umar) (Allah be pleased with them) reported: Allah's Messenger (may peace be upon him) ordered the killing of dogs and we would send (men) in Medina and its corners and we did not spare any dog that we did not kill, so much so that we killed the dog that accompanied the wet she-camel belonging to the people of the desert.

Book 10, Number 3812:

Ibn Umar (Allah be pleased with them) reported that Allah's Messenger (may peace be, upon him) ordered the killing of dogs except the dog tamed for hunting, or watching of the herd of sheep or other domestic animals. It was said to Ibn Umar (Allah be pleased with them) that Abu Huraira (Allah be pleased with him) talks of (exception) about the dog for watching the field, whereupon he said: Since Abu Huraira (Allah be pleased with him) possessed land.

Book 10, Number 3813:

Abu Zubair heard Jabir b. 'Abdullah (Allah be pleased with him) saying: Allah's Messenger (may peace be upon him) ordered us to kill dogs, and we carried out this order so much so that we also kill the dog coming with a woman from the desert. Then Allah's Apostle (may peace be upon him) forbade their killing. He (the Holy Prophet further) said: It is your duty the jet-black (dog) having two spots (on the eyes), for it is a devil.

Book 10, Number 3814:

Ibn Mughaffal reported: Allah's Messenger (may peace be upon him) ordered the killing of dogs and then said: what is the trouble with them (the people of Medina)? How dogs are nuisance to them (the citizens of Medina)? He then permitted keehing of dogs for hunting and (the protection of) herds. In the hadith transmitted on the authority of Yahya, he (the Holy Prophet) permitted the keeping of dogs for (the protection of) herds, for hunting and (the protection of) cultivated land.

Book 10, Number 3815:

Ibn Umar (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who keeps a dog other than that meant for watching the herd or for hunting loses every day out of his deeds equal to two qirat.

Book 10, Number 3816:

Salim reported on the authority of his father that Allah's Apostle (may peace be upon him) said: He who kept a dog other than one meant for hunting or for watching the herd, lost two qirat of his reward every day.

Book 10, Number 3817:

Ibn 'Umar reported Allah's Messenger (may peace be upon him) as saying He who kept a dog other than one meant for hunting or for watching the herd lost out of his deeds (equal to) two qirat every day.

Book 10, Number 3818:

Salim b. 'Abdullah reported on the authority of his father that Allah's Messenger (may peace be upon him) said: He who kept a dog other than one meant for watching the herd or for hunting would lose every day two qirat of his good deeds. 'Abdullah and Abu Huraira also said: Or dog meant for watching the field.

Book 10, Number 3819:

Salim reported on the authority of his father (Allah be pleased with him) that Allah's Messenger (may peace be upon him) said: He who kept a dog other than one meant for hunting or for the protection of

the herd would lose two qirat of his deeds every day. Salim said: Abu Huraira (Allah be pleased with him) used to say: Or the dog meant for watching the field, and he was the owner of the land.
Book 10, Number 3820:
Salim b. Abdullah reported on the authority of his father that Allah's Messenger (may peace be upon him) said: Whosover amongst the owners of the house keeps a dog other than one meant for watching the herd or for hunting loses two qirat of his deeds every day.
Book 10, Number 3821:
Ibn Umar (Allah be pleased with them) narrated Allah's Messenger (may peace be upon him) as saying: He who kept a dog ther than one meant for watching the fields or herds or hunting would lose one qirat every day out of his reward (with God).
Book 10, Number 3822:
Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: He who kept a dog which is neither meant for hunting nor for watching the anitmals nor for watching the fields would lose two qirat every day out of his reward; and there is no mention of the fields in the hadith transmitted by Abu Tahir.
Book 10, Number 3823:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who kept a dog except one meant for watching the herd, or for hunting or for watching the fields. he lost two qirat of reward every day. Zuhri said: The words of Abu Huraira (Allah be pleased with him) were conveyed to Ibn Umar who said: May Allah have mercy upon Abu Huraira; he owned a field.
Book 10, Number 3824:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who kept a dog would lose out of his deeds equal to one qirat every day. except (one kept) for watching the field or herd.
Book 10, Number 3825:
A hadith like this has been transmitted on the authority of Abu Huraira.
Book 10, Number 3826:
This hadith has been reported on the authority of Yahya b. Abu Kathir with the same chain of transmitters.
Book 10, Number 3827:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who kept a dog, but not meant for hunting or watching the herd, would lose one qirat of reward every day.
Book 10, Number 3828:
Sufyan b. Abu Zuhair (he was a person belonging to the tribe of Shanu'a and was amongst the Conpanions of Allah's Messenger [may peace be upon him) said: I heard Messenger of Allah (may peace be upon him) as saying: He who kept a dog (other than that) which is indispensable for watching the field or the animals would lose one qirat out of his deeds every day. As-Sa'ib b Yazid (one of the narrators) said: Did you hear it from Allah's Messenger (may peace be upon him)? He said: Yes. by the Lord of this mosque.
Book 10, Number 3829:
This hadith has been narrated on the authority of Sufyan b. Abu Zuhair al-Shana'i.
Chapter 32: IT IS PERMISSIBLE TO GET THE WAGES OF CUPPING
Book 10, Number 3830:
It is narrated on the authority of Humaid that Anas b. Malik was asked about the earnings of the cupper. He said: Allah's Messenger (may peace be upon him) got himself cupped. His cupper was Abu Taiba and he (the Holy Prophet) commanded to give him two sa's of corn. He (the Holy Prophet) talked with the members of his family and they lightened the burden of Kharaj (tax) from him (i. e. they made remis- sion in the charges of their own accord). He (Allah's Apostle) said: The best (treat- ment) which you take is cupping, or it is the best of your treatments.
Book 10, Number 3831:

Rumaid reported that Anas b. Malik (Allah be pleased with him) has asked about the earnings of a cupper. Then (the above-mentioned hadith was reported but with this addition) that he said: The best treatment which you get is cupping. or aloeswood and do not torture your children by pressing their uvula.

Book 10, Number 3832:

Humaid reported Anas (Allah be pleased with him) having said this: Allah's Apostle (may peace be upon him) called for young cupper belonging to us. He capped him and he (the Holy Prophet) commanded that he should be paid one sa' or one mudd or two mudds (of wheat). It was said (that charges were high) and a reduction was made in the charges.

Book 10, Number 3833:

Ibn Abbas (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) got himself cupped and he paid the clipper his charges and he put medicine in his nostrils.

Book 10, Number 3834:

Ibn 'Abbas (Allah be pleased with them) reported: The slave of Banu Bayada cupped Allah's Apostle (may peace be upon him) and he gave him his wages, and talked to his master and he reduced the charges, and if this earning was unlawful Allah's Apostle (may peace be upon him) would not have given it.

Chapter 33: THE SALE QF WINE IS FORBIDDEN

Book 10, Number 3835:

Abu Sa'id al-Khudri (Allah be pleased with him) reported: I heard Allah's Messenger (may peace be upon him) addressing in Medina. He said: O people, Allah is giving an indication (of the prohibition) of wine. and He is probably soon going to give an order about it. So he who has anything of it with him should sell that, and derive benefit out of it. He (the narrator) said: We waited for some time that Allah's Apostle (may peace be upon him) said: Verily Allah, the Exalted, has forbidden wine. So who hears this verse and he has anything of it with him, he should neither drink it nor sell it. He (the narrator) said: The people then brought whatever they had of it with them on the streets of Medina and spilt that.

Book 10, Number 3836:

'Abd al-Rahman b. Wa'ala as-Saba'i (who was an Egyptian) asked 'Abdullah b. Abbas; (Allah be pleased with them) about that which is extracted from the grapes, whereupon he said: A person presented to Allah's Messenger (may peace be upon him) a small water-skin of wine. Allab's Messenger (may peace be upon him) said to him: Do you know that Allah has forbidden it? He said: No. He then whisper- ed to another man. Allah's Messenger (may peace be upon him) asked him what he had whispered. He said: I advised him to sell that, whereupon he (the Holy Prophet) said: Verily He Who has forbidden its drinking has forbidden its sale also. He (the narrator) said: He opened the waterskin until what was contained in it was spilt.

Book 10, Number 3837:

'Abd al-Rahman b. Wa'ala narrated this on the authority of 'Abdullah b. Abbas.

Book 10, Number 3838:

'A'isha (Allah be pleased with her) reported: When the concluding verses of Sura Baqara were revealed, Allah's Messenger (may peace be upon him) went out and read them out to the people and then forbade them to trade in wine.

Book 10, Number 3839:

'A'isha (Allah be pleased with her) reported: When the concluding verses of Sura Baqara pertaining to Riba were revealed, Allah's Messenger (may peace be upon him) went out to the mosque and he forbade the trade in wine.

Chapter 34: PROHIBITION OF THE SALE OF WINE, CARCASS, SWINE AND IDOLS

Book 10, Number 3840:

Jabir b. 'Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying in the Year of Victory while he was in Mecca: Verily Allah and His Messenger have forbidden the sale of wine, carcass, swine and idols, It was said: Allah's Messenger, you see that the fat of the carcass is used for coating the boats and varnishing the hides and people use it for lighting

purposes, whereupon he said: No, it is forbidden, Then Allah's Messenger (may peace be upon him) said: May Allah the Exalted and Majestic destroy the Jews; when Allah forbade the use of fat of the carcass for them, they melted it, and then sold it and made use of its price (received from it).
Book 10, Number 3841:
Yazid b. Abu Habib reported: 'Ata' reported to me that he heard Jabir (b. 'Abdullah) saying it that he had heard that from Allah's Messenger (may peace be upon him) in the Year of Victory.
Book 10, Number 3842:
Ibn Abbas (Allah be pleased with him) reported: This news reached 'Umar that Samura had sold wine, whereupon he said: May Allah destroy Samura; does he not know that Allah's Messenger (may peace be upon him) said:" Let there be the curse of Allah upon the Jews that fat was declared forbidden for them, but they melted it and then sold it"?
Book 10, Number 3843:
This hadith has been narrated on the authority of 'Amr b. Dinar with the same chain of transmitters.
Book 10, Number 3844:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: May Allah destroy the Jews for Allah forbade the use of fat for them, but they sold it and made use of its price.
Chapter 35: RIBA (USURY)
Book 10, Number 3845:
Abu Salid al-Khudri reported Allah's Messenger (may peace be upon him) as saying: Do not sell gold for gold, except like for like, and don't increase something of it upon something; and don't sell silver unless like for like, and don't increase some thing of it upon something, and do not sell for ready money something to be given later.
Book 10, Number 3846:
Nafi' reported that Ibn 'Umar told him that a person of the tribe of Laith said that Abu Sa'id al-Kludri narrated it (the above-mentioned hadith) from tile Messenger of Allah (may peace be upon him) in a narration of Qutaiba. So 'Abduliali and Nafi' went along with him, and in the hadith transmitted by Ibn Rumh (the words are) that Nafi' said: 'Abdullah (b. 'Umar) went and I along with the person belonging to Banu Laith entered (the house) of Sa'id al-Khudri, and he ('Abdullah b. Umar) said: I have been informed that you say that Allah's Messenger (may peace be upon him) forbade the sale of silver with silver except in case of like for like, and sale of gold for gold except in case of like for like. Abu Sa'id pointed towards this eyes and his ears with his fingers and said: My eyes saw, and my ears listened to Allah's Messenger (may peace be upon him) saying: Do not sell gold for gold, and do not sell silver for silver except in case of like for like, and do not increase something of it upon something, and do not sell for ready money something, not present, but hand to hand.
Book 10, Number 3847:
This hadith has been narrated on the authority of Abu Sa'id al-Khudri through another chain of transmitters.
Book 10, Number 3848:
Abu Sa'id al-Khudri (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Do not sell gold for gold and silver for silver weight for weight or of the same quality.
Book 10, Number 3849:
'Uthman b. 'Affan reported Allah's Messenger (may peace be upon him) as saying: Do not sell a dinar for two dinars and one dirham for two dirhams.
Chapter 36: CONVERSION OF CURRENCY AND SELLING OF GOLD FOR SILVER ON THE SPOT
Book 10, Number 3850:
Malik b. Aus b. al-Hadathan reported: I came saying who was prepared toexchange dirhams (for my gold), whereupon Talha b. Ubaidullah (Allah be pleased with him) (as he was sitting with 'Umar b. Khattib) said: Show us your gold and then come to us (at a later time). When our servant would come we would give you your silver (dirhams due to you). Thereupon 'Umar b. al-Khattib (Allah be pleased with him) said: Not at all. By Allah, either give him his silver (coins). or return his gold to him, for

Allah's Messenger (may peace be upon him) said: Exchange of silver for gold (has an element of) interest in it. except when (it is exchanged) on the spot;and wheat for wheat is an interest unless both are handed over on the spot: barley for barley is interest unless both are handed over on the spot; dates for dates is interest unless both are handed over on the Spot.
Book 10, Number 3851:
This hadith has been narrated on the authority of Zuhri with the same chain of transmitters.
Book 10, Number 3852:
Abil Qiliba reported: I was in Syria (having) a circle (of friends). in which was Muslim b. Yasir. There came Abu'l-Ash'ath. He (the narrator) said that they (the friends) called him: Abu'l-Ash'ath, Abu'l-Ash'ath, and he sat down. I said to him: Narrate to our brother the hadith of Ubada b. Samit. He said: Yes. We went out on an expedition, Mu'awiya being the leader of the people, and we gained a lot of spoils of war. And there was one silver utensil in what we took as spoils. Mu'awiya ordered a person to sell it for payment to the people (soldiers). The people made haste in getting that. The news of (this state of affairs) reached 'Ubada b. Samit, and he stood up and said: I heard Allah's Messenger (may peace be upon him) forbidding the sale of gold by gold, and silver by silver, and wheat by wheat, and barley by barley, and dates by dates, and salt by salt, except like for like and equal for equal. So he who made an addition or who accepted an addition (committed the sin of taking) interest. So the people returned what they had got. This reached Mu'awiya. and he stood up to deliver an address. He said: What is the matter with people that they narrate from the Messenger (may peace be upon him) such tradition which we did not hear though we saw him (the Holy Prophet) and lived in his company? Thereupon, Ubida b. Samit stood up and repeated that narration, and then said: We will definitely narrate what we heard from Allah's Messenger (may peace be upon him) though it may be unpleasant to Mu'awiya (or he said: Even if it is against his will). I do not mind if I do not remain in his troop in the dark night. Hammad said this or something like this.
Book 10, Number 3853:
Ubida b. al-Simit (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, and salt by salt, like for like and equal for equal, payment being made hand to hand. If these classes differ, then sell as you wish if payment is made hand to hand.
Book 10, Number 3854:
Abu Sa'id al-Khudri (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, salt by salt, like by like, payment being made hand to hand. He who made an addition to it, or asked for an addition, in fact dealt in usury. The receiver and the giver are equally guilty.
Book 10, Number 3855:
This hadith has been narrated on the authority of Abu Sa'id al-Khudri (Allah be pleased with him) through another chain of transmitters.
Book 10, Number 3856:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Dates are to be paid for by dates, wheat by wheat, barley by barley, salt by salt, like for like, payment being made on the spot. He who made an addition or demanded an addition, in fact, dealt in usury except in case where their classes differ. This hadith has been narrated on the authority of Fudail b. Ghazwan with the same chain of transmitters, but he made no mention of (payment being) made on the spot.
Book 10, Number 3857:
Abu Huraira (Allah be pleased with him) reported Allah's Mess-., nger (may peace be upon him) as saying: Gold is to be paid for by gold with equal weight, like for like, and silver is to be paid for by silver with equal weight, like for like. He who made an addition to it or demanded an addition dealt in usury.
Book 10, Number 3858:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Let dinar be exchanged for dinar, with no addition on either side and dirham be exchanged for

dirham with no addition on either side. This hadith has been narrated on the authority of Musa b. Abu Tamim with the same chain of transmitters.
Chapter 37: THE SALE OF SILVER FOR GOLD IS PROHIBITED WHEN PAYMENT IS TO BE MADE IN FUTURE
Book 10, Number 3859:
Abu Minhal reported: My partner sold silver to be paid in the (Hajj) season or (in the days of) Hajj. He (my partner) came to me and informed me, and I said to him: Such transaction is not desirable. He said: I sold it in the market (on loan) but nobody objected to this. I went to al-Bara' b. 'Azib and asked him, and he said: Allah's Apostle (may peace be upon him) came to Medina and we made such transaction, whereupon he said: In case the payment is made on the spot, there is no harm in it, and in case (it is 'sold) on loan, it is usury. You better go to Zaid b. Arqam, for he is a greater trader than I; so I went to him and asked him, and he said like it.
Book 10, Number 3860:
Habib reported that he heard Abu Minhal as saying: I asked al-Bara' b. Azib about the exchange of (gold for silver or vice versa), whereupon he said: you better ask Zaid b. Arqam for he knows more than I. So I asked Zaid but he said: You better ask al-Bara' for he knows more than I. Then both of them said: Allah's Messenger (may peace be upon him) forbade the sale of silver for gold when payment is to be made in future.
Book 10, Number 3861:
Abd al-Rabman b. Abia Bakra reported on the authority of his father that Allah's Messenger (may peace be upon him) forbade the sale of gold for gold, and silver for silver except equal for equal, and commanded us to buy silver for gold as we desired and buy gold for silver as we desired. A person asked him (about the nature of payment), whereupon he said: It is to be made on the spot. This is what I heard (from Allah's Messenger (may peace be upon him).
Book 10, Number 3862:
Abd al-Rabman b. Abu Bakra said: Allah's Messenger (may peace be upon him) prohibited us. The rest of the hadith is the same.
Chapter 38: THE SALE OF GOLD NECKLACE STUDDED WITH PEARLS
Book 10, Number 3863:
Fadala b. Ubaid al-Ansari reported: A necklace having gold and gems in it was brought to Allah's Messenger (may peace be upon him) in Khaibar and it was one of the spoils of war and was put to sale. Allah's Messenger (may peace be upon him) said: The gold used in it should be separated, and then Allah's Messenger (may peace be upon him) further said: (Sell) gold for gold with equal weight.
Book 10, Number 3864:
Fadila b. 'Ubaid (Allah be pleased with him) reported: I bought on the day (of the Victory of Khaibar) a necklace for twelve dinars (gold coins). It was made of gold studded with gems. I separated (gold from gems) in it, and found (gold) of more (worth) than twelve dinars. I made a mention of it to Allah's Apostle (may peace be upon him), whereupon he said: It should not be sold unless it is separated.
Book 10, Number 3865:
A hadith like this is narrated on the authority of Sa'id b. Yazid with the same chain of transmitters.
Book 10, Number 3866:
Fadala b. 'Ubaid reported: We were in the company of Allah's Messenger (may peace be upon him) on the day (of the Victory of) Khaibar, and made transaction with the Jews for the 'uqiya of gold for the dinars or three (gold coins), whereupon Allah's Messenger (may peace be upon him) said: Do not sell gold for gold but for equal weight
Book 10, Number 3867:
Hanash reported: We were along with Fadala b. Ubaid (Allah be pleased with him) in an expedition. There fell to my and my friend's lot a necklace made of gold, silver and jewels. I decided to buy that. I asked Fadala b. 'Ubaid, whereupon he said: Separate its gold and place it in one pan (of the balance) and place your gold in the other pan, and do not receive but equal for equal, for I heard Allah's

Messenger (may peace be upon him) as saying: He who believes in Allah and the Hereafter should not take but equal for equal.
Chapter 39: SALE OF WHEAT LIKE FOR LIKE
Book 10, Number 3868:
Ma'mar b. Abdullah reported that he sent his slave with a sa' of wheat and said to him: Sell it, and then buy with it barley. The slave went away and he got a sa' (of barley) and a part of sa' over and above that. When he came to Ma'mar he informed him about that, whereupon Ma'mar said to him: Why did you do that? Go back and return that, and do not accept but weight, for weight, for I used to hear from Allah's Apostle (may peace be upon him) as saying: Wheat for wheat and like for like. He (one of the narrators) said: Our food in those days consisted of barley. It was said to him (Ma'mar) that (wheat) is not like that (barley). He replied: I am afraid these may not be similar
Book 10, Number 3869:
Abu Huraira and Abu Sa'id al-Khudri (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) deputed a person from Banu 'Adi al-Ansari to collect revenue from Khaibar. He came with a fine quality of dates, whereupon Allah's Messenger (may peace be upon him) said to him: Are all the dates of Khaibar like this? He said: Allah's Messenger, it is not so. We buy one sa' of (fine quality of dates) for two sa's out of total output (including even the inferior quality of dates), whereupon Allah's Messenger (may peace be upon him) said: Don't do that, but like for like, or sell this (the inferior quality and receive the price) and then buy with the price of that, and that would make up the measure.
Book 10, Number 3870:
Abu Huraira (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) deputed a person to collect revenue from Khaibar. He brought fine quality of dates, whereupon Allah's Messenger (may peace be upon him) said: Are all the dates of Khaibar like this)? He said: No. We got one sa' (of fine dates) for two sa's (of inferior dates), and (similarly) two sa's for three sa's. Thereupon Allah's Messenger (may peace be upon him) said: Don't do that rather sell the inferior quality of dates for dirhams (money), and then buy the superior quality with the help of dirhams.
Book 10, Number 3871:
Abd Sa'id reported: Bilal (Allah be pleased with him) came with fine quality of dates. Allah's Messenger (may peace be upon him) said to him: From where (you have brought them)? Bilal said: We had inferior quality of dates and I exchanged two sa's (of inferior quality) with one sa (of fine quality) as food for Allah's Apostle (may peace be upon him), whereupon Allah's Messenger (may peace be upon him) said: Woe! it is in fact usury; therefore, don't do that. But when you intend to buy dates (of superior quality), sell (the inferior quality) in a separate bargain and then buy (the superior quality). And in the hadith transmitted by Ibn Sahl there is no mention of" whereupon".
Book 10, Number 3872:
Abu Sa'id (Allah be pleased with him) reported: Dates were brought to Allah's Messenger (may peace be upon him), and he said: These dates are not like our dates, whereupon a man said: We sold two sa's of our dates (in order to get) one sa', of these (fine dates), whereupon Allah's Messenger (may peace be upon him) said: That is interest; so return (these dates of fine quality), and get your (inferior dates) ; then sell our dates (for money) and buy for us (with the help of money) such (fine dates).
Book 10, Number 3873:
Abu Sa'id (Allah be pleased with him) reported: We were given to eat, during the lifetime of Allah's Messenger (may peace be upon him), dates of different qualities mixed together, and we used to sell two sa's of these for one sa, (of fine quality of dates). This reached Allah's Messenger (may peace be upon him), whereupon he said: There should be no exchange of two sa's of (inferior) dates for one sa (of fine dates) and two sa's of (inferior) wheat for one sa' of (fine) wheat. and one dirham for two dirharms.
Book 10, Number 3874:
Abu Nadra reported: I asked Ibn Abbas (Allah be pleased with them) about the conversion (of gold and silver for silver and gold). We said: Is it hand to hand exchange? I said: Yes. whereupon he said: There is no harm in it. I informed Abu Sa'id about it, telling him that I had asked Ibn 'Abbas about it

and he said: Is it hand to hand exchange? I said: Yes, whereupon he said: There is no harm in it. He (the narrator) said, or he said like it: We will soon write to him, and he will not give you this fatwa (religious verdict). He said: By Allah, someone of the boy-servants of Allah's Messenger (may peace be upon him) brought dates, but he refused to accept them (on the plea) that those did not seem to be of the dates of our land. He said: Something had happened to the dates of our land, or our dates. So I got these dates (in exchange by giving) excess (of the dates of our land), whereupon he said: You made an addition for getting the fine dates (in exchange) which tantamounts, to interest; don't do that (in future). Whenever you find some doubt (as regards the deteriorating quality of) your dates, sell them, and then buy the dates that you like.

Book 10, Number 3875:

Abu Nadra reported: I asked Ibn Umar and Ibn Abbas (Allah be pleased with them) about the conversion of gold with gold but they did not find any harm in that. I was sitting in the company of Abd Sa'id al-Khudri (Allah be pleased with him) and asked him about this exchange, and he said: Whatever is addition is an' interest. I refused to accept it on account of their statement (statement of Ibn 'Abbas and Ibn 'Umar). He said: I am not narrating to you except what I heard from Allah's Messenger (may peace be upon him). There came to him the owner of a date-palm with one sa' of fine dates, and the dates of Allah's Apostle (may peace be upon him) were of that colour. Allah's Apostle (may peace be upon him) said to him: Where did you get these dates? I went with two sa's of (inferior dates) and bought one sa' of (these fine dates), for that is the prevailing price (of inferior dates) in the market and that is the price (of the fine quality of dates in the market), whereupon Allah's Messenger (may peace be upon him) said: Woe be upon you! You have dealt in interest, when you decide to do it (i. e. exchange superior quality of dates for inferior quality) ; so you should sell your dates for another commodity (or currency) and then with the help of that commodity buy the dates you like. Abu Sa'ad said: When dates are exchanged for dates (with different qualities) there is the possibility (of the element of) interest (creeping into that) or when gold is exchanged for gold having different qualities. I subsequently came to Ibn 'Umar and he forbade me (to do it), but I did not come to Ibn 'Abbas; (Allah be pleased with them). He (the narrator) said: Abu as-Sahba' narrated to me: He asked Ibn Abbas (Allah be pleased with them) in Mecca, and he too disapproved of it.

Book 10, Number 3876:

Abu Salih reported: I heard Abu Sa'id al-Khudri (Allah be pleased with him) said: Dinar (gold) for gold and dirham for dirham can be (exchanged) with equal for equal; but he who gives more or demands more in fact deals in interest. I sald to him: Ibn 'Abbas (Allah be pleased with them) says otherwise, whereupon he said: I met Ibn 'Abbas (Allah be pleased with them) and said: Do you see what you say; have you heard it from Allah's Messenger (may peace be upon him), or found it in the Book of Allah, the Glorious and Majestic? He said: I did not hear it from Allah's Messenger (may peace be upon him). and I did not find it in the Book of Allah (Glorious and Majestic), but Usama b. Zaid narrated it to me that Allah's Apostle (may peace be upon him) said: There can be an element of interest in credit.

Book 10, Number 3877:

Ubaidullah b. Abu Yazid heard Ibn 'Abbas (Allah be pleased with them) as saying: Usama b. Zaid reported Allah's Apostle (may peace be upon him) as saying: There can be an element of interest in credit (when the payment is not equal).

Book 10, Number 3878:

Ibn 'Abbas; (Allah be pleased with them) reported on the authority of Usama b. Zaid Allah's Messenger (may peace be upon him) as having said this: There is no element of interest when the money or commodity is exchanged hand to hand.

Book 10, Number 3879:

Ata' b. Abu Rabah reported: Abu Sa'id al-Khudri (Allah be pleased with them) met Ibn 'Abbas (Allah be pleased with them) and said to him: What do you say in regard to the conversion (of commodities or money) did you hear it from Allah's Messenger (may peace be upon him), or is it something which you found In Allah's Book, Majestic and Glorious? Thereupon Ibn Abbas (Allah be pleated with them) said: I don't say that. So far at Allah's Massenger (may peace be upon him) is concerned, you

know him better, and to far as the Book of Allah to concerned, I do not know it (more than you do), but 'Usama b. Zaid (Allah be pleased with him) narrated to me Allah's Messenger (may peace be upon him) as having said this: Beware, there can be an element of interest in credit.

Chapter 40: HE (THE HOLY PROPHET) CURSED THE ONE WHO ACCEPTSINTEREST AND THE ONE WHO PAYS IT

Book 10, Number 3880:

'Abdullah (b. Mas'ud) (Allah be pleased with him) said that Allah's Messenger (may peace be upon him) cursed the one who accepted interest and the one who paid it I asked about the one who recorded it, and two witnesses to it. He (the narrator) said: We narrate what we have heard.

Book 10, Number 3881:

Jabir said that Allah's Messenger (may peace be upon him) cursed the accepter of interest and its payer, and one who records it, and the two witnesses, and he said: They are all equal.

Chapter 41: ACCEPTING THAT WHICH IS LAWFUL AND ABANDONING THAT WHICH IS DOUBTFUL

Book 10, Number 3882:

Nu'man b. Bashir (Allah be pleased with him) reported: I heard Allah's Messenger (may peace be upon himn) as having said this (and Nu'man) pointed towards his ears with his fingers): What is lawful is evident and what is unlawful is evident, and in between them are the things doubtful which many people do not know. So he who guards against doubtful things keeps his religion and honour blameless, and he who indulges in doubtful things indulges in fact in unlawful things, just as a shepherd who pastures his animals round a preserve will soon pasture them in it. Beware, every king has a preserve, and the things God his declaced unlawful are His preserves. Beware, in the body there is a piece of flesh; if it is sound, the whole body is sound and if it is corrupt the whole body is corrupt, and hearken it is the heart.

Book 10, Number 3883:

This hadith has been narrated on the authority of Zakariya with the same chain of transmitters.

Book 10, Number 3884:

AI-Nu'man b. Bashir reported it from Allah's Apostle (may peace be upon him). The hadith narrated by Zakariya is, however, more complete and lengthy than the other ones.

Book 10, Number 3885:

Nu'man b. Bashir b. Sa'd, a Companion of Allah's Messenger (may peace be upon him) was heard delivering a sermon at Hims and was saying: I heard Allah's Messenger (way peace be upon him) as saying: The lawful is evident and the unlawful is evident, the rest of the hadith is the same as related by Zakariya.

Chapter 42: THE SELLING OF THE CAMEL AND STIPULATION OF RIDING ON IT

Book 10, Number 3886:

Jabir b. 'Abdullah (Allah be pleased with them) reported that he was travelling on his camel which had grown jaded, and he decided to let it off. When Allah's Apostle (may peace be upon him) met him and prayed for him and struck it, so it trotted as it had never trotted before. He said: Sell it to me for an 'uqaya. I said: No. He again said: Sell it to me. So I sold it to him for an 'uqaya, but made the stipulation that I should be allowed to ride back to my family. Then when I came to (my place) I took the camel to him and he paid me its price in ready money. I then went back and he sent: (someone) behind me (and as I came) he said: Do you see that I asked you to reduce price for buying your camel. Take your camel and your coins; these are yours.

Book 10, Number 3887:

This hadith has been narrated on the authority of Jabir through another chain of transmitters.

Book 10, Number 3888:

Jabir b. 'Abdullah (Allah be pleased with them) reported: I went on an expedition with Allah's Messenger (may peace be upon him). He overtook me and I was on a water-carrying camel who had grown tired and did not walk (trot). He (the Holy Prophet) said to me: What is the matter with your camel? I said: It is sick. He (the Holy Prophet) stepped behind and drove it and prayed for it, and then it always moved ahead of other camels. He (then) said: How do you find your camel? I said: It is, by

the grace of your prayer, all right. He said: Would you sell this (camel) to me? I felt shy (to say him," No") as we had no other camel for carrying water, but (later on) I said: Yes, and to I sold it to him on the condition that (I would be permitted) to ride it until I reached Madina. I said to him: Allah's Messenger, I am newly married, so I asked his permission (to go ahead of the caravan). He permitted me, and I reached Medina well in advance of other people, until I reached my destination. There my maternal uncle met me and asked me about the camel, and I told him what I had done with regard to it. He reproved me in this connection. He (Jabir) said: When I asked his permission (to go ahead of the caravan) Allah's Messenger (may peace be upon him) inquired of me whether I had married a virgin or a non-virgin. I said to him: I have married a non-virgin. He said: Why did you not marry a virgin who would have played with you and you would have played with her? I said to him: Allah's Messenger, my father died (or he fell as a martyr), and I have small sisters to (look after), so I did not like the idea that I should marry a woman who is like them and thus be not able to teach them manners and look after them properly. So I have married a non-virgin so that she should be able to look after them and teach them manners, When Allah's Messenger (may peace be upon him) came to Medina, I went to him in the morning with the camel. He paid me its price and returned that (the camel) to me.

Book 10, Number 3889:

Jabir reported: We went from Mecca to Medina with Allah's Messenger (may peace be upon him) when my camel fell ill, and the rest of the hadith is the same. (But it in also narrated in it:) He (the Holy Prophet) said to me: Sell your camel to me. I said: No, but it is yours. He said: No. (it can't be), but sell it to me. I said: No, but, Allah's Messenger, it is yours. He said: No, it can't be, but sell it to me. I said: Then give me an 'uqaya of gold for I owe that to a person and then it would be yours. He (the Holy Prophet) said: I take it (for an 'uqiya of gold) and you reach Medina on it. As I reached Medina, Allah's Messenger (may peace be upon him) said to Bilal: Give him an 'uqiya of gold and make some extra payment too. He (Jabir) said: He gave me an 'uqiya of gold and made an addition of a qirat. He (Jabir) said: The addition made by Allah's Messenger (may peace be upon him) was with me (as a sacred trust for belssing) and lay with me in a pocket until the people of Syria took it on the Day of Harra.

Book 10, Number 3890:

Jabir b. 'Abdullah (Allah be pleased with them) reported: We were with Allah's Messenger (may peace be upon him) in a journey and my camel meant for carrying water lagged behind. The rest of the hadith is the same and it is mentioned also: Allah's Messenger (may peace be upon him) pricked it and then said to me: Ride in the name of Allah. He constantly made addition (in prayers for me) and went on saying. May Allah forgive you!

Book 10, Number 3891:

Jabir (Allah be pleased with him) reported: My camel had grown tired as Allah's Messenger (may peace be upon him) came to me. He goaded it and it began to jump. After that I tried to restrain its rein so that I could listen to his (Prophet's) words, but I could not do that. Allah's Apostle (may peace be upon him) met me and said: Sell it to me, and I sold it for five 'uqiyas. I said: On the condition that I may use it as a ride (for going back) to Medina. He (the Holy Prophet) said: Well, you may use it as a ride up till Medina. When I came to Medina I handed over that to him and he made an addition of an uqiya (to that amount which had been agreed upon) and then presented that (camel) to me.

Book 10, Number 3892:

Abd Mutawakkil al-Najl reported from Jabir b. 'Abdullah (Allah be pleased with them) who said: I accompanied Allah's Messenger (may peace be upon him) in one of his journeys (the narrator says, he said in Jihad), and he narrated the rest of the hadith, and made this addition: He (the Holy Prophet) said: Jabir, have you received the price? I said: Yes, whereupon he said: Yours is the price as well as the camel; yours is the price as well as the camel.

Book 10, Number 3893:

Jabir b. 'Abdullah (Allah be pleased with them) reported: Allah's Messenger (may peace be upon him) bought a camel from me for two 'uqiyas and a dirham or two dirhams. As he reached Sirar (a village near Medina), he commanded a cow to be slaughtered and it was slaughtered, and they ate of that, and

as he (the Holy Prophet) reached Medina he ordered me to go to the mosque and offer two rak'ahs of prayer, and he measured for me the price of the camel and even made an excess payment to me.
Book 10, Number 3894:
Jabir b. 'Abdullah (Allah be pleased with them) reported this narration from Allah's Apostle (may peace be upon him) but with this variation that he said: He (the Holy Prophet) bought the camel from me on a stipulated price. And he did not mention two 'uqiyas and a dirham or two dirhams, and he comanded a cow (to be slaughtered) and it was slaughtered, and he then distributed its flesh.
Book 10, Number 3895:
Jabir (Allah be pleased with him) reported that Allah's Apostle (may peace be upon him) said to him: I have taken your camelfor four dinars, and you may ride upon it to Medina.
Chapter 43: HE WHO TOOK SOMETHING AS A LOAN AND MADE ITS PAYMENT BACK, OVER AND ABOVE THAT (IS APPROVED) AND BEST AMONG YOU IS ONE WHO IS BEST IN MAKING PAYMENT
Book 10, Number 3896:
Abu Rafi' reported that Allah's Messenger (may peace be upon him) took from a man as a loan a young camel (below six years). Then the camels of Sadaqa were brought to him. He ordered Abu Rafi' to return to that person the young camel (as a return of the loan). Abu Rafi' returned to him and said: I did not find among them but better camels above the age of six. He (the Holy Propet) said: Give that to him for the best men are those who are best in paying off the debt.
Book 10, Number 3897:
Abu Rafi', the freed slave of Allah's Messenger (may peace be upon him), said: Allah's Messenger (may peace be upon him) took as a loan (the rest of the hadith is the same), but with this variation that he (the Holy Prophet) said: Good amongst the servants of Allah is he who is best in paying off the debt.
Book 10, Number 3898:
Abu Huraira (Allah be pleased with him) reported: Allah's Messenger (may peace be upon him) owed (something) to a person. He behaved in an uncivil manner with him. This vexed the Companions of the Holy Prophet (may peace be upon him), whereupon Allah's Apostle (may peace be upon him) said: He who has a right is entitled to speak, and said to them (his Companions): Buy a camel for him and give that to him. They said: We do not find a camel (of that age) but one with better age than that. He said: Buy that and give that to him, for best of you or best amongst you are those who are best in paying off debt.
Book 10, Number 3899:
Abu Huraira (Allah be pleased with him) reported: Allah's Messenger (may peace be upon him) took a camel on loan, and then returned him (the lender) the camel of a more mature age and said: Good among you are those who are good in clearing off the debt.
Book 10, Number 3900:
Abu Huraira (Allah be pleased with him) reported: There came a person demanding a camel from Allah's Messenger (may peace be upon him). He (the Holy Prophet) said: Give him (the camel) of that age or of more mature age, and said: Best among you is one who is best in clearing off the debt.
Chapter 44: PERMISSIBILITY OF SELLING AN ANIMAL FOR AN ANIMAL OF ITS KIND BY SUPERIORITY
Book 10, Number 3901:
Jabir (Allah be pleased with him) reported: There came a slave and pledg- ed allegiance to Allah's Apostle (may peace be upon him) on migration; he (the Holy Prophet) did not know that he was a slave. Then there came his master and demanded him back, whereupon Allah's Apostle (may peace be upon him) said: Sell him to me. And he bought him for two black slaves, and he did not afterwards take allegiance from anyone until he had asked him whether he was a slave (or a free man)
Chapter 45: PLEDGE AND ITS PERMISSIBILITY WHETHER AT RESIDENCE OR IN A JOURNEY
Book 10, Number 3902:

'A'isha (Allah be pleased with her) reported that Allah's Messenger (may peace be upon him) bought some grain from a Jew on credit and gave him a coat-of- mail of his as a pledge.
Book 10, Number 3903:
'A'isha (Allah be pleased with her) reported: Allah's Messenger (may peace be upon him) bought from a Jew grain (as loan) and pledged him his iron coat-of-mail.
Book 10, Number 3904:
'A'isha (Allah be pleased with her) reported that Allah's Messenger (may peace be upon him) bought from a Jew grain for a specified time; and gave him iron coat-of-mail of his as a pledge.
Book 10, Number 3905:
This hadith has been narrated on the authority of 'A'isha (Allah be pleased with her), through another chain ol transmitters, but no mention was made of (its being made) of iron.
Chapter 46: OF SALAM SALE
Book 10, Number 3906:
Ibn 'Abbas (Allah be pleased with them) reported that when Allah's Prophet (may peace be upon him) came to Medina, they were paying one and two years in advance for fruits, so he said: Those who pay in advance for anything must do so for a specified weight and for a definite time.
Book 10, Number 3907:
Ibn 'Abbas (Allah be pleased with them) reported that when Allah's Messenger (may peace be upon him) came to (Medina) and the people were paying in advance (for the fruits, etc.), he said to them: He who makes an advance payment should not make advance payment except for a specified measure and weight (and for a specified period).
Book 10, Number 3908:
Ibn Abu Najih has narrated a hadith like this with the same chain of transmitters, but he has not mentioned:" for a definite period".
Book 10, Number 3909:
This hadith has been narrated by Ibn Abu Najih through another chain of transmitters mentioning in it" for a specified period".
Chapter 47: HOARDING OF FOODSTUFF IS FORBIDDEN
Book 10, Number 3910:
Ma'mar (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: He who hoards is a sinner. It was said to Sa'id (b. al-Musayyib): You also hoard. Sa'id said: Ma'mar who narrated this badith also hoarded.
Book 10, Number 3911:
Ma'mar b. Abdullah reported Allah's Messenger (may peace be upon him) as saying: No one hoards but the sinner.
Book 10, Number 3912:
This hadith has been transmitted on the authority of Sulaiman b. Bilal from Yahya.
Chapter 48: PROHIBITION OF TAKING OATH IN BUSINESS TRANSACTION
Book 10, Number 3913:
Abu Huraira (Allah be pleased with him) said he heard Allah's Messenger (may peace be upon him) as saying: Swearing produces a ready sale for a commodity, but blots out the blessing.
Book 10, Number 3914:
Abu Qatada al-Ansari (Allah be pleased with him) reported he heard Allah's Messenger (may peace be upon him) say: Beware of swearing; it produces a ready sale for a commodity, but blots out the blessing.
Chapter 49: SHUF'A (PRE-EMPTION)
Book 10, Number 3915:
Jabir b. 'Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who has a partner in a dwelling or a garden, it is not lawful for him to sell that until he is permitted by his partner. If he (the partner) agrees, he should go in for that, and if he disapproves of that, he should abandon (the idea of selling it).
Book 10, Number 3916:

Jabir bin 'Abdullah (Allah be pleased with them) said that the Messenger of Allah (may peace be upon him) decreed pre-emption in every joint ownership and not divided-the one-it may be a dwelling or a garden. It is not lawful for him (for the partner) to sell that until his partner gives his consent. He (the partner) is entitled to buy it when he desires and he can abandon it if he so likes. And if he (the one partner) sells it without getting the consent of the (other partner), he has the greatest right to it.

Book 10, Number 3917:

Jabir b. 'Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: There is pre-emption in everything which is shared, be it land, or a dwelling or a garden. It is not proper to sell it until he informs his partner; he may go in for that, or he may abandon it; and it he (the partner intending to sell his share) does not do that, then his partner has the greatest right to it until he permits him.

Chapter 50: FIXING A BEAM IN THE NEIGHBORS WALL

Book 10, Number 3918:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: None among you should prevent his neighbour from fixing a beam in his wall. Abu Huraira (Allah be pleased with him) then said: What is this that I see you evading (this injunction of the Holy Prophet)? By Allah, I will certainly throw it between your shoulders (narrate this to you.)

Book 10, Number 3919:

This hadith is narrated on the authority of Zuhri with the same chain of transrmitters.

Chapter 51: IT IS FORBIDDEN TO SEIZE LAND AND OTHER THINGS WITHOUT LEGITIMATE RIGHT

Book 10, Number 3920:

Sa'id b. Zaid b. 'Amr b. Nufail (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: He who wrongly took a span of land, Allah shall make him carry around his neck seven earths.

Book 10, Number 3921:

Sa'id b. Zaid b. 'Amr b. Nufail (Allah be pleased with them) reported that Arwi (bint Uwais) disputed with him (in regard to a part of the land) of his hodse. He said: Leave it and take off your claim from it, for I heard Allah's Messenger (may peace be upon him) as saying: He who took a span of land without his right would be made to wear around his neck seven earths on the Day of Resurrection. He (Sa'id b. Zaid) said: O Allah, make her blind if she has told a lie and make her grave in her house. He (the narrator) said: I saw her blind groping (her way) by touching the walls and saying: The curse of Sa'id b. Zaid has hit me. And it so happened that as she was walking in her house, she passed by a well in her house and fell therein and that be- came her grave.

Book 10, Number 3922:

Hisham b. Urwa reported on the authority of his father (Allah be pleased with him) that Arwa bint Uwais disputed with Sa'id b. Zaid that he had seized some of the land belonging to her. She brought this dispute before Marwan b. al-Hakam. Sa'id said: How could I take a part of her land, after what I heard from Allah's Messenger (may peace be upon'him)? He (Marwan) said: What did you hear from Allah's Messenger (may peace be upon him)? He said: I heard Allah's Messenger (may peace be upon him) say: He who wrongly took a span of land would be made to wear around his neck seven earths. Marwan said: I do not ask any evidence from you after this. He (Sa'id) said: O Allah, make her blind if she has told a lie and kill her in her own land. He (the narrator) said: She did not die until she had lost her eyesight, and (one day) as she was walking in her land, she fell down into a pit and died.

Book 10, Number 3923:

Sa'id b. Zaid reported: I heard Allah's Apostle (may peace be upon him) say: He who took a span of earth wrongly would be made to wear around his neck seven earths on the Day of Resurrection.

Book 10, Number 3924:

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace he upon him) as saying: One should not take a span of land without having legitimate right to it, otherwise Allah would make him wear (around his neck) seven earths on the Day of Resurrection.

Book 10, Number 3925:

Muhammad b. Ibrahim said that Abu Salama reported to him that there was between him and his people dispute over a piece of land, and he came to 'A'isha and mentioned that to her, whereupon she said: Abu Salama, abstain from getting this land, for Allah's Messenger (may peace be upon him) said: He who usurps even a span of land would be made to wear around his neck seven earths.

Book 10, Number 3926:

This hadith has been narrated on the authority of Abu Salama with another chain of transmitters.

Chapter 52: HOW MUCH LAND IS TO BE SPARED WHEN THERE IS DISAGREEMENT OVER THE BREADTH OF PATH

Book 10, Number 3927:

Abu Haraira reported Allah's Apostle (may peace be upon him) as saying: When you disagree about a path, its breadth should be made seven cubits.

Book 11: The Book Pertaining to the Rules of Inheritance (Kitab Al-Farai`d)

INTRODUCTION

Inheritance is the entry of living persons into possession of dead persons' property and exists in some form wherever the institution of private property is recognised as the basis of the social and economic system. The actual forms of inheritance and the laws governing it, however, differ according to the ideals of different societies.

The law of inheritance in Islam is based upon five main considerations:

To break up the concentration of wealth in individuals and spread it out in society.

To respect the property right of ownership of an individual earned through honest means.

To hammer in the consciousness of man the fact that man is not the absolute master of wealth he produces but he is its trustee and is not, therefore, authorised to pass it on to others as he likes.

To consolidate the family system which is the social unit of an Islamic society.

To give incentive to work and encourage economic activity as sanctioned by Islam.

In the pre-Islamic world and even in modern societies the law of inheritance has so many evils in it, which may be summed up in the following points:

Women had been completely denied the share of inheritance. They were rather regarded as part of the property of the deceased and, therefore, their right to property by inheritance was out of question.

In pre-Islamic Arabia and other countries where there had been tribal societies not only women were deprived of the right of inheritance but even weak and sick persons and minor children were given no share in it, as the common principle of inheritance was that he alone is entitled to inherit who wields the sword.

Then in certain societies there had been existing the law of primogeniture and it exists even today in some of the so-called civilised parts of the world which entitles only the eldest son to inherit the whole of the father's property or to get the lion's share.

Islam introduced so many reforms in the laws of inheritance which can be succinctly summed up as follows.

It defined and determined in clear-cut terms the share of each inheritor and imposed limits on the right of the property-owner to dispose of his property according to his whim and caprice.

It made the female, who had been prevously thought a chattel, the co-sharer with the male and thus not only restored her dignity, but safeguarded her social and economic rights.

It laid the rules for the break-up of the concentrated wealth in the society and helped in its proper and equitable distribution amongst a large number of persons.

It gave a death-blow to the law of primogeniture and thus provided the democratic basis for the division of the property of the deceased.

The above are some of the distinguishing features of the Islamic law of inheritance. While laying down the rules for the distribution of the estate of the deceased, the first principle to be observed is that the property both movable and immovable can be distributed after meeting the following obligations:

funeral expenses;

clearing off the debts incurred by the deceased;

payment of bequest, if any, to the extent of one-third of the total assets. It may be remembered that the Mahr of the wife, if it had not been paid, is included in the debt. Moreover, it is not lawful to make a bequest in favour of a person who is entitled to a share in the inheritance.

Four persons cannot get inheritance:

(a) a fugitive slave who has fled away from his master,

(b) one who has murdered one's predecessor intentionally or unintentionaly

(c) one who professes a religion other than Islam,

(d) one living in Dar-ul-Harb cannot inherit the property of one living in Dar-ul-Islam and vice versa.

According to Islam, the heirs have been divided into three classes.

(A) Dhaw-u'l-Fara'id are those persons who have a right to definite shares in assets left by the deceased. These sharers are twelve in number; four males: father, grandfather, uterine brothers and husband; and eight females: wife, single daughter, son's daughter, mother, grandmother, full sister, consanguine sister, uterine sister.

Father's share is one-sixth when the deceased leaves a son or a son's son, but if the deceased is not survived by a son or grandson his father will, in addition to this share (one-sixth), also get a share of being 'Asaba.

The grandfather's share is like that of father's share but in three conditions:

According to Imam Bukhiri and Imam Muslim, the presence of father deprives even the brothers of their share in the inheritance. but this is not the case with the grandfather. Imam Abu Hanifa is of the opinion that the presence of grandfather deprives the brother of his share in the inheritance.

If the father of the deceased is alive, then the share of the mother is of what is left from the share of the wife of the deceased. The presence of grandfather does not reduce the share of the mother of the deceased.

The grandmother of the deceased has no share in the presence of the father of the deceased but she has a share in the presence of the grandfather.

The third set of sharers are uterine brothers and sisters. They are entitled to one-sixth if their number is one, and one-third if they are more than one.

The husband's share is one-half of the property of the deceased wife if she has no children, but in case of children it is one-fourth.

The wife is entitled to one-fourth if the husband dies childless; otherwise it is one-eighth.

Real daughter: one-half when alone, and two-thirds if more than one. If the deceased is survived by a male child also. the daughters are then treated as Asaba and the male child would get double of what falls to the lot of daughters. The granddaughters stand on the same level as daughters. But in case the deceased is survived by one real daughter and one or more than one granddaughter they would get one-sixth. The granddaughter is not entitled to any share if the deceased is survived by a son, but if he is survived by grandsons and granddaughters, they would be treated as 'Asaba and the male grandchild would get double of what goes to the female grandchild.

Full sister gets one-half if she is alone, and two-thirds if they are more than one.

Consanguine sister is entitled to one-half if one, and two thirds if more.

Mother is entitled to one-sixth when she has a child or grandchild, and in case of being childless she gets one-third of the share.

If the deceased is survived either by paternal grandmother or maternal grand- mother or even by both, they are entitled to one-sixth. The grandmother (maternal) is deprived of her share if the mother of the deceased is alive; and if father is alive the paternal grandmother is deprived of this share.

(B) When the heirs of the first group have received the respective shares, the residue of the assets falls to the share of those relatives who are called Asaba which, according to the Shari'ah, implies those relatives in whose line of relationship no female enters. This is the second group of inheritors.

There is no fixed share of the 'Asabat. If the deceased is not survived by any Dhaw-u'l-Fara'id, the whole of the property falls to their share; and If Dhaw-u'I. Fara'id are there to get their due share, the residue will be taken by the Asabat. The following are the 'Asabat:

Son: He is the first to get the residue in order of succession. The daughters are entitled to half of the share as given to the son. The grandsons are not entitled to any share in the presence of the son. If the

son is not living, then the grandson is entitled to a share in the inheritance. If there are more than one son, the inheritance will be distributed equally amongst them.
The father, grandfather and the great-grandfather are included in the category of Dhaw-u'l-Fara'id. If, however, the deceased is not survived by category of a son, grandson of great-grandson, then the father will fall under the category of 'Asaba, and, in the absence of the father, the grandfather assumes that position.
If the deceased is not survived by son, or grandson or father or grandfather, i. e. none amongst the 'Asabat, then the brother, and in the absence of brother his son, and in the absence of son, his grandson will be entitled to share in the inheritance as 'Asaba and the female would also join them in share claiming half of the share as compared with male.
If unfortunately the deceased is survived by none of the above-mentioned relatives amongst the 'Asabat, then consanguine brother will be entitled to share in the inheritance and he will be preferred to full brother's son.
Then comes the turn of full paternal uncle.
(C) The last category of inheritors are known ad Dhaw-u'l Arham, i. e. relations connected through females, but it is in extremely rare cases that they get any share in the inheritance. The following relatives come under this category.
The son of the daughter and daughter of the daughter.
The son of the daughter of the son, and daughter of the daughter of the son and their children.
Maternal grandfather, maternal grandfather of the father, the grandfather of the mother, maternal grandfather of the mother, the grandmother of the mother, the children of the sisters, the sisters of the father and those of the mother, etc.
Chapter 1: GIVE THE INHERITANCE TO THOSE ENTITLED TO IT
Book 11, Number 3928:
Usama b. Zaid reported Allah's Messenger (may peace be upon him) as saying: A Muslim is not entitled to inherit from a non-Muslim, and a non-Muslim is not entitled to inherit from a Muslim.
Book 11, Number 3929:
Ibn Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Give the shares to those who are entitled to them, and what remains over goes to the nearest male heir.
Book 11, Number 3930:
Ibn 'Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Give the shares to those who are entitled to them, and what is left from those wno are entitled to it goes to the nearest male heir.
Book 11, Number 3931:
Tawus reported on the authority of his father Ibn Abbas (Allah be pleased with them) narrating that Allah's Messenger (may peace be upon him) said: Distribute the property amongst Ahl al-Fara'id, according to the Book of Allah, and what is left out of them goes to the nearest male heir.
Chapter 2: THE LAW OF INHERITANCE IN REGARD TO AL-KALALA (THE PERSON WHO DIES LEAVING NO CHILD OR PARENT)
Book 11, Number 3932:
Jabir b. 'Abdullah (Allah be pleased with them) reported: I fell sick and there came to me on foot Allah's Messenger (may peace be upon him) and Abu Bakr for inquiring after my health. I fainted. He (the Holy Prophet) performed ablution and then sprinkled over me the water of his ablution. I felt some relief and said: Allah's Messenger, how should I decide about my property? He said nothing to me in response until this verse pertaining to the law of inheritance was revealed:" They ask you for a decision; say: Allah gives you a decision concerning the person who has neither parents nor children" (iv. 177).
Book 11, Number 3933:
Jabir b. 'Abdullah (Allah be pleased with him) reported: Allah's Apostle (may peace be upon him) and Abi Bakr (Allah be pleased with him) visited me on foot in Banu Salama, and found me unconscious. He (the Holy Prophet) called for water and performed ablution and sprinkled out of it (the water) over

me. I felt relieved. I said: Allah's Messenger, what should I do with my property? And this verse was revealed:" Allah enjoins you concerning your children: for the male is equal of the portion of two females."

Book 11, Number 3934:

Jabir b. 'Abdullah (Allah be pleased with them) reported: While I had been ill Allah's Messenger (may peace be upon him) visited me and Abu akr (Allah be pleased with him) was with him, and they both came walking on foot. He (the Holy Prophet) found me unconscious. Allahs Messenger (may peace be upon him) performed ablution and then sprinkled over me the water of his ablution. I felt relieved regained my consciousness) and found Allah's Messenger (may peace be upon him) there. I said: Allah's Messenger, what should I do with my property? He gave me no reply until the verse (iv. 177) relating to the law of inheritance was revealed.

Book 11, Number 3935:

Jabir b. Abdullah (Allah be pleased with him) reported: Whilo I was ill Allah's Messenger (may peace be upon him) came to me and found me unconscious. He (the Holy Prophet) performed ablution, and sprinkled over me the water of his ablution. I regained my consciousness and said: Allah's Messenger, my case of inheritance is that of Kalala. Then the verse pertaining to the inheritance (of Kalala) was revealed. I (one of the narrators) said: I said to Muhammad b. Munkadir: (Do you mean this verse)" They ask you; say: Allah gives you decision in regard to Kalala" (iv. 177)? He said: Yes, it was thus revealed.

Book 11, Number 3936:

This hadith is transmitted on the authority of Shu'ba but with a slight variation of words.

Book 11, Number 3937:

Abu Talha reported: 'Umar b. al-Khattab (Allah be pleased with him) delivered a sermon on Friday and made a mention of Allah's Apostle (may peace be upon him) and he also made a mention of Abu Bakr (Allah be pleased with him) and then said: I do not leave behind me any problem more difficult than that of Kalala. I did not refer to Allah's Messenger (may peace be upon him) more repeatedly than in case of the problem of Kalala, and he (the Holy Prophet) never showed more annoyance to me than in regard to this problem, so much so that he struck my chest with his fingers and said: 'Umar, does the verse revealed in summer season, at the end of Sura al-Nisa' not suffice you? Hadrat 'Umar (then) said: If I live I would give such verdict about (Kalala) that everyone would be able to decide whether he reads the Qur'an or he does not.

Book 11, Number 3938:

This hadith has been narrated on the authority of Qatada with the same chain of transmitters.

Chapter 3: THE LAST VERSE REVEALED WAS THAT PERTAINING TO KALALA

Book 11, Number 3939:

Al-Bara' (Allah be pleased with him) reported that the last verse revealed in the Holy Qur'an is:" They ask thee for a religious verdict; say: Allah gives you a religious verdict about Kalala (the person who has neither parents nor children)" (iv 177).

Book 11, Number 3940:

Abu Ishaq said that he heard al-Bara' b. 'Azib (Allah be pleased with him say: The last verse revealed (in the Holy Quran) is that pertaining to Kalala, and the last sura revealed is Sura al-Bara'at.

Book 11, Number 3941:

Abu Ishaq said that he heard al-Bara' b. 'Azib (Allah be pleased with him) say: The last complete sura revealed (in the Holy Qur'an) is Sura Tauba (i e. al-Bara'at, ix.), and the last verse revealed is that pertaining to Kalala.

Book 11, Number 3942:

Aba Ishaq reported this hadith on the authority of al-Bara' (Allah be pleased with him) with a slight variation of words, viz. the last sura that was revealed complete.

Book 11, Number 3943:

Al-Bara' (Allah be pleased with him) reported that the last verse revealed was:" They ask of thee religious verdict.." (iv. 177).

Chapter 4: HE WHO LEAVES BEHIND PROPERTY, THAT IS FOR THE HEIRS

Book 11, Number 3944:
Abu Huraira (Allah be pleased with him) reported that when the body of a dead person having burden of debt upon him was brought to Allah's Messenger (may peace be upon him) he would ask whether he had left property enough to clear off his debt, and if the property left had been sufficient for that (purpose), he observed funeral prayer for him, otherwise he said (to his companions): You observe prayer for your companion. But when Allah opened the gateways of victory for him, he said: I am nearer to the believers than themselves, so if anyone dies leaving a debt, its payment is my responsibility, and if anyone leaves a property, it goes to his heirs.
Book 11, Number 3945:
This hadith has been narrated on the authority of al-Zuhri through another chain of transmitters.
Book 11, Number 3946:
Abn Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) having said this: By Him in Whose Hand is the life of Muhammad, there is no believer on the earth with whom I am not the nearest among all the people. He who amongst you (dies) and leaves a debt, I am there to pay it, and he who amongst you (dies) leaving behind children I am there to look after them. And he who amongst You leaves behind property, that is for the inheritor whoever he is.
Book 11, Number 3947:
Hammam b. Munabbih reported: This is what Abu Huraira (Allah be pleased with him) narratted to us from Allah's Messenger (may peace he upon him). And he narrated many ahadith, and one was this: Allali's Messenger (may peace be upon him said: I am, according to the Book of Allah, the Exalted and Majestic, nearest to the believers of all the human beings. So whoever amongst you dies in debt or leaves behind destitute children, you should call me (for help)), for I am his guardian. And who amongst you leaves property, his inheritor is entitled to get it, whoever he is.
Book 11, Number 3948:
Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: He who leaves property, that is for the inheritors; and he who leaves behind destitute children, then it is my responsibility (to look after them). This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters.

Book 12: The Book of Gifts (Kitab Al-Hibat)

INTRODUCTION

A Hiba is defined as the transfer of the possession of property, movable and immovable, from one person to the other willingly and without any reward. The one who makes this transfer is known as donor (Wahib), and the thing transferred is known as Mauhubah, and the one who is donated is known as Mauhub lahu (donee). The other words used in the language of the Shar'i'ah are Nihla or 'Atiyya.
The act of Hiba is not complete unless the donor surrenders the possession of the thing donated. Moreover, the declaration of donation should be in clear terms without any ambiguity (around them). This act of donation is based on the following hadith of the Holy Prophet (may peace be upon him):" Give presents to one another for this would increase your mutual love." This not only implies the legality of gifts, but the exhortation to give these to one another. There is perfect agreement amongst all the jurists that Hiba is valid in Islam.
The act of donation can be made verbally or in writing by any person capable of making a contract. A gift by a person involved in debt is invalid, and gift in death illness cannot take effect beyond one-third of the assets of the deceased after defraying all necessary expenses. The donation can be made to a living person and not to one who is dead.
The Shari'ah imposes certain restrictions on the property which is to be donated. In the first place, the property must be in existence at the time when the gift is given; hence the gift of oil in the sesame or of butter in the milk would not be valid. The property once given as a gift cannot be revoked except in some extraordinary circumstances. The father is entitled to get back the donation given by him from his children if be finds it contrary to the laws and spirit of the Shari'ah. The right to revoke a gift is called Raj'. This act of revocation can be done with the decree of a competent court.

Chapter 1: DISAPPROVAL OF BEUYING THE DONATED PROPERTY BY THE DONOR HIMSELF

Book 12, Number 3949:
Umar b. Khattab (Allah be pleased with him) reported: I donated a pedigree horse in the path of Allah. Its possesser made it languish. I thought that he would sell it at a cheap price. I asked Allah's Menengsr (may peace be upon him) about it, whereupon he said: Don't buy it and do not get back your charity, for one who gets back the charity is like a dog who swallows its vomit. This hadith has been narrated on the authority of Malik b. Anas with the same chain of transmitters but with this addition:" Don't buy that even if he gives you for one dirham."
Book 12, Number 3950:
Zaid b. Aslam reported on the authority of his father that 'Umar (Allah be pleased with him) donated a horse in the path of Allah. He found that it had languished in the hand of its possessor, and he was a man of meagre resources He (Hadrat 'Umar) intended to buy it. He came to Allah's Messenger (may peace be upon him) and made a mention of that to him, whereupon he said: Don't buy that even if you get it for a dirham for he who gets back the charity is like a dog which swallows its vomit.
Book 12, Number 3951:
This hadith has been narrated on the authority of Zaid b. Aslam with the same chain of transmitters but with this (change) that the hadith transmitted on the authority of Malik and Rauh (he was the son of Qisirn) is more complete and lengthy.
Book 12, Number 3952:
Ibn 'Umar reported that 'Umar b. al-Khattib (Allah be pleased with him) donated a horse in the path of Allah and (later on) he found it being sold, and he decided to buy that. He asked the Messenger of Allah (may peace be upon him) about it. whereupon he (the Holy prophet) said: Don't buy that and do not get back what you gave in charity.
Book 12, Number 3953:
This hadith has been narrated on the authority of Ibn Umar through another chain of transmitters.
Book 12, Number 3954:
Salim reported from Ibn Umar (Allah be pleased with them) that 'Umar donated a horse in the path of Allah and then found it being sold, and he decided to buy that. He asked Allah's Apostle (may peace be upon him) about it, whereupon Allah's Messenger (may peace be upon him) said: Umar, do not get back what you gave as charity.
Book 12, Number 3955:
Ibn 'Abbas (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) having said this: He who gets back his charity is like a dog which vomit, and then returns to that and eats it.
Book 12, Number 3956:
A hadith like this is reported on the authority of Muhammad son of Fatima (Allah be pleased with her) daughter of Allah's Messenger (may peace be upon him).
Book 12, Number 3957:
Ibn Abbas (Allah be pleased with them) reported: I heard Allah's Messenger (may peace be upon him) say: The similitude of one who gives a charity and then gets it back is like that of a dog which vomits and then eats its vomit.
Book 12, Number 3958:
Ibn Abbas (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) as saying: One who gets back the gift is like one who eats vomit.
Book 12, Number 3959:
This hadith has been narrated on the authority of Qatada with the same chain of transmitters.
Book 12, Number 3960:
Abdullah b. Tawus reported on the authority of his father who reported from Ibn Abas (Allah be pleased with them) who reported from Allah's Messenger 'may peace be upon him) that he said: One who gets back his gift is like a dog which vomits and then swallows that vomit.
Chapter 2: DISAPPROVAL OF GIVING PREFERENCE TO SOME CHILDREN WHILE MAKING DONATION
Book 12, Number 3961:

Nu'man b. Bashir reported that his father brought him to Allah's Messenger (may peace be upon him) and said: I have donated this slave of mine to my son. Allah's Messenger (may peace be upon him) said: Have you donated to every one of your sons (a slave) like this? He said: No. Thereupon Allah's Messenger (may peace he upon him) said: Then take him back.
Book 12, Number 3962:
Nu'man b. Bashir reported: My father brought me to Allah's Messenger (may peace be upon him) and said: I have donated this slave to my son. whereupon he said: Have you made (such) donation to every one or your sons? He said: No. Thereupon he (the-Holy Prophet) said: Then take him back.
Book 12, Number 3963:
This hadith has been narrated on the authority of Zubri with different chains of transmitters and a slight variation of words.
Book 12, Number 3964:
Nu'man b. Bashir reported that his father had donated a slave to him. Allah's Apostle (may peace he upon him) said: Who is this slave (how have you come to possess it)? Thereupon he (Nu'man b. Bashir) said: My father has donated it to me, whereupon he said: Have all brothers (of yours) been given this gift as given to you? He said: No. Thereupon he (the Holy Prophet) said: Then return him.
Book 12, Number 3965:
Nu'man b. Bashir reported: My father donated to me some of his property. My mother Amra bint Rawaha said: I shall not be pleased (with this act) until you make Allah's Messenger (may peace be upon him) a witness to it. My father went to Allah's Apostle (may peace be upon him) in order to make him the witness of the donation given to me. Allah's Messenger (may peace be upon him) said to him: Have you done the same with every son of yours? He said: No. Thereupon he (the Holy Prophet) said: Fear Allah, and observe equity in case of your children. My father returned and got back the gift.
Book 12, Number 3966:
Nu'man b. Bashir reported that his mother bint Rawaha asked his (Nu'man's) father about donating some gifts from his property to his son. He deferred the matter by one year, and then set forth to do that. She (Nu'man's mother) said: I shall not be pleased unless you call Allah's Messenger (may peace be upon him) as witness to what you confer as a gift on your son. (Nu'man said): So father took hold of my hand and I was at that time a boy, and came to Allah's Messenger (may peace be upon him). and said: Allah's Messenger, the mother of this son (of mine), daughter of Rawaha wishes that I should call you witness to what I confer as gift to her son. Allah's Messenger (may pease be upon him) said: Bashir, have you any other son besides this (son of yours)? He said: Yes. He (the Holy Prophet) said: Have you given gifts to all of them like this? He said: No. Thereupon he (the Holy Prophet) said: Then call me not as witness, for I cannot be witness to an injustice.
Book 12, Number 3967:
Nu'man b. Bashir, reported that Allah's Messenger (may peace be upon him) had said: Have you, besides him, other sons? He said: Yes. Thereupon he (the Holy Prophet) said: Have you given gifts to all of them like this (as you have given to Nu'man)? He said: No. Thereupon he (the Holy Prophet) said: I cannot bear witness to an injustice.
Book 12, Number 3968:
Nu'man b. Bashir (Allah be pleased with them) reported that Allah's Messenger (may peace be upon him) said to his father: Call me not as witness to an injustice.
Book 12, Number 3969:
Nu'man b. Bashir (Allah be pleased with them) reported: My father took me to Allah's Messenger (may peace be upon him) and said: Allah's Messenger, bear witness that I have given such and such gift to Nu'man from my property, whereupon he (the Holy Prophet) said: Have you conferred upon all of your sons as you have conferred upon Nu'man? He said: No. Thereupon he (the Holy Prophet) said: Call someone else besides me as a witness. And he further said: Would it, please you that they (your children) should all behave virtuously towards you? He said: Yes. He (the Holy Prophet) said: Then don't do that (i e. don't give gift to one to the exclusion of others).
Book 12, Number 3970:

Nu'man b. Bashir reported: My father conferred a gift upon me, and then brought me to Allah's Messenger (may peace be upon him) to make him a witness (to it). He (the Holy Prophet) said: Have you given such gift to every son of yours (as you have given to Nu'man)? He said: No. Thereupon he (the Holy Prophet) said: Don't you expect goodness from them as you expect from him? He said: Yes. of course. He (the Holy Prophet) said: I am not going to bear witness to it (as it is injustice). Ibn Aun (one of the narrators) said: I narrated this hadith to Muhammad (the other narrator) who said: Verily we narrated that lie (the Holy Prophet) had said: Observe equity amongst your children.

Book 12, Number 3971:

Jabir (Allah be pleased with him) reported that the wife of Bashir said (to her husband): Give to my son your slave as a gift, and make for me Allah's Messenger (may peace be upon him) a witness He came to Allah's Messenger (may peace be upon him) and said: The daughter of so and so (his wife Amra bint Rawaha) asked me to give my slave as a gift to her son, and call for me Allah's Messenger (may peace be upon him) as a witness. Thereupon he (the Holy Prophet) said: Has he (Nu'man) brothers? He (Bashir) said: Yes. He (further) said: Have you given to all others as you have given to him? He said: No. He said: Then it is not fair; and verily I cannot bear witness but only to what is just.

Chapter 3: AL-'UMRA (LIFE GRANT)

Book 12, Number 3972:

Jabir b. 'Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Whoever a person is gifted a life grant, then it is for him (belongs to him and to his posterity, for it belongs to him who has been gven it). It would not return to him who gave it for he conferred it as a gift (it becomes the property of the donee and as such) rules of inheritance will apply to it.

Book 12, Number 3973:

Jaber b. 'Abdullah (Allah be pleased with them) reported Allah's Messenger (may peace be upan him) as saying: He who conferred a life grant upon a person, it becomes his possession and that of his successors, for he surrendered his right in that by his declaration. (This property) now belongs to one to whom this lifelong grant has been made, and to his successors. Yahya narrated in the beginning of his narration: Whatever man is given a life grant, then it belongs to him and his posterity.

Book 12, Number 3974:

Jabir b. 'Abdullah al-Ansari (Allah be pleased with him) said: Allah's Messenger (may peace be upon him) said: Whoever a person conferred Umra (life grant) upon a person and he says: I confer upon you this and upon your descendants and anyone who survives you, and that becomes his possession and that of his posterity. It would become (a permanent possession) of those who were conferred upon this gift, and it would not return to its owner (donor), for he gave that as a gift in which accrued the right of inheritance.

Book 12, Number 3975:

Jabir (Allah be pleased with him) said: The Umra for which Allah's Messenger (may peace be upon him) gave sanction that a person way say: This (property) is for you and for your descendants. And when he said: That is for you as long as you live, then it will return to its owner (after the death of the donee). Ma'mar said: Zuhri used to give religious verdict according to this.

Book 12, Number 3976:

Jabir b. 'Abdullah (Allah be pleased with him) reported that Allah's Messenger (may peace be upon him) commanded that whoever is conferred upon a life grant along with his descendants is entitled to make use of the property conferred so long as he lives and his successors (also enjoy this privilege). That (property) becomes the their defect belonging. The donor cannot (after declaring Umra) lay down any condition or make any exception. Abu Salama said: For he conferred a grant and as such it becomes heritage. and the right of inheritance abrogated his condition.

Book 12, Number 3977:

Jabir (b. 'Abdullah) (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Life grant is for one upon whom it is bestowed.

Book 12, Number 3978:

Jabir b. 'Abdullah reported a hadith like this through another chain of transmitters.

Book 12, Number 3979:
Jabir reported this hadith directly from Allah's Apostle (may peace be upon him)
Book 12, Number 3980:
Jabir (b. 'Abdullah) (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) having said: Keep your property to yourselves and do not squander it, for he who conferred a life grant upon another that property will belong to him upon whom it is conferred whether he lives or dies, and (would pass on) to his successors (as heritage).
Book 12, Number 3981:
This hadith is narrated on the authority of Jabir through other chains of transmitters, but (with this addition of words) that thehadith transmitted on the authority of Ayyub (these words are found):" The Helpers (Ansar) conferred the benefit of 'Umra, upon the Emigrants (Muhajirin), whereupon Allah's Messenger (may peace be upon him) said: Keep your property to yourselves.
Book 12, Number 3982:
Jabir (Allah be pleased with him) reported that a woman gave her garden as a life grant to her son. He died and later on she also died and left a son behind and brothers also, The sons of the woman making life grant said (to those who had been conferred upon this 'Umra): This garden has returned to us. The sons of the one who had been given life grant said: This belonged to our father, during his lifetime and in case of his death. They took their dispute to Tariq, the freed slave of 'Uthman. He called Jabir and he gave testimony of Allah's Messenger (may peace be upon him) having said: Life grant belongs to one who is conferred upon this (privilege). Tariq gave this decision and then wrote to Abd al-Malik and informed him, Jabir bearing witness to it. Abd al-Malik said: Jabir has told the truth. Then Tariq gave a decree and, as a result thereof, it is to this day that the garden belongs to descendants of one who was conferred upon the life grant.
Book 12, Number 3983:
Sulaiman b. Yasir reported that Jabir gave this verdict. The inheritor has a right (to inherit) the life grant according to the statement of Jabir (b. 'Abdullah) (Allah be pleased with him) which he narrated from Allah's Messenger (may peace be upon him).

Book 12, Number 3984:
Jabir b. 'Abdullah reported Allah's Apostle (may peace be upon him) as saying: Life grant is permissible.
Book 12, Number 3985:
Jabir b. Abdullah (Allah be pleased with them) reported Allah's Apostle (may peace be upon him) as saying: Life grant is the heritage of one upon whom it is conferred.
Book 12, Number 3986:
Abd Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: Life grant is permissible. This ha: dith is narrated on the authority of Qatada with the same chain of transmitters.
Book 13: The Book of Bequests (Kitab Al-Wasiyya)
INTRODUCTION
A bequest (WasIyya) or will is defined as a transfer to come into operation after the testator's death. The testator is called Musi, and the legatee or devisee is called Musa lahu, and the executor is called Wasi. It is a spiritual testament of a man enabling him to make up his shortcomings in the worldly life and securing rewards in the Hereafter.
According to the Shar'iah, one is entitled to make a will for one-third of one's property and not beyond that so that the rights of the legal heirs are not adversely affected.
" Again, the principle on which the legality of a testamentary disposition is based being in defeance pro tanto of the rights of heirs generally the law requires that such disposition should be for the benefit of non-heirs alone.
" A further reason why a bequest in favour of an heir is not allowed is that it would amount to giving preference to some heirs over others, thus defeating the spirit of the law which has fixed the portion of each in the inheritance and causing disputes among persons related to one another. If the other heirs

consent to a bequest to one of them or to a bequest of more than one-third of the estate, the above reasons no longer hold good and the bequest as made will be valid" (Abdur Rahim, The Principles of Muhammadan jurisprudence, pp. 311-2).
It is, however, preferable and most advisable not to will away the property if the legal heirs are poor, because it manifests benevolence to the heirs who have superior claim to it from the relations in which they stand.
Another principle which is observed in case of bequest is that the proprietary right of a legatee in a bequest is establislied if he accepts it.
Chapter 1: ONE SHOULD MAKE IT A POINT TO WRITE THE WILL
Book 13, Number 3987:
Ibn Umar (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: It is the duty of a Muslim who has something which is to be given as a bequest not to have it for two nights without having his will written down regarding it.
Book 13, Number 3988:
This hadith has been narrated on the authority of 'Ubaidullah with the same chain of transmitters. but with a slight variation of words.
Book 13, Number 3989:
A hadith like this have been narrated on the authority of Nifi', who based his narrations of the words of Ibn 'Umar but with a slight variation of words.
Book 13, Number 3990:
Salim reported on the authority of his father ('Abdullah b. Umar) that he (his father) had heard Allah's Messenger (may peace be upon him) as saying: It is not proper for a Muslim who has got something to bequeathe to spend even three nights without having his will written down with him regarding it. 'Abdullah b. 'Umar (Allah be pleased with them) said: Ever since I heard Allah's Messenger (may peace be upon him) say this I have not spent a night without having my will (written) along with me. This hadith has been narrated on the authority of Zuhri with the same chain of transmitters.
Chapter 2: WILL CAN BE MADE ONLY FOR ONE-THIRD
Book 13, Number 3991:
Amir b. Sa'd reported on the authority of his father (Sa'd b. Abi Waqqas): Allah's Messenger (may peace be upon him) visited me in my illness which brought me near death in the year of Hajjat-ul-Wada' (Farewell Pilgrimage). I said: Allah's Messenger, you can well see the pain with which I am afflicted and I am a man possessing wealth, and there is none to inherit me except only one daughter. Should I give two-thirds of my property as Sadaqa? He said: No. I said: Should I give half (of my property) as Sadaqa? He said: No. He (further) said: Give one-third (in charity) and that is quite enough. To leave your heirs rich is better than to leave them poor, begging from people; that you would never incur an expense seeking therewith the pleasure of Allah, but you would be rewarded therefor, even for a morsel of food that you put in the mouth of your wife. I said: Allah's Messenger. would I survive my companions? He (the Holy Prophet) said: If you survive them, then do such a deed by means of which you seek the pleasure of Allah, but you would increase in your status (in religion) and prestige; you may survive so that people would benefit from you, and others would be harmed by you. (The Holy Prophet) further said: Allah, complete for my Companions their migration, and not cause them to turn back upon their heels. Sa'd b. Khaula is, however, unfortunate. Allah's Messenger (may peace be upon him) felt grief for him as he had died in Mecca.
Book 13, Number 3992:
This hadith is narrated on the authority of Zuhri with the same chain of transmitters.
Book 13, Number 3993:
'Amir b. Sa'd reported from S'ad (b. Abu Waqqas): Allah's Apostle (may peace be upon him) visited me to inquire after my health, the rest of the hadith is the same as transmitted on the authority of Zuhri, but lie did not make mention of the words of Allah's Apostle (may peace be upon him) in regard to Sa'd b. Khaula except this that he said:" He (the Holy Prophet) did not like death in the land from which lie had migrated."
Book 13, Number 3994:

Mus'ab b. Sa'd reported on the authority of his father. I was ailing. I sent message to Allah's Apostle (may peace be upon him) saying: Permit me to give away my property as I like. He refused. I (again) said: (Permit me) to give away half. He (again refused). I (again said): Then one-third. He (the Holy Prophet) observed silence after (I had asked permission to give away) one-third. He (the narrater) said: It was then that endowment of one-third became permissible.

Book 13, Number 3995:

This hadith has been narrated on the authority of Simak with the same chain of transmitters. But he did not mention:" It was then that one-third became permissible."

Book 13, Number 3996:

Ibn Sa'd reported his father as saying: Allah's Apostle (may peace be upon him) visited me during my illness. I said: I am willing away the whole of my property. He said: No. I said: Then half? He said: No. I said: Should I will away one-third? He said: Yes, and even one-third is enough.

Book 13, Number 3997:

Humaid b. 'Abd al-Rahman al-Himyari reported from three of the sons of Sa'd all of whom reported from their father that Allah's Apostle (may peace be upon him) visited Sa'd as he was ill in Mecca. He (Sa'd) wept. He (the Holy Prophet) said: What makes you weep? He said: I am afraid I may die in the land from where I migrated as Sa'd b. Khaula had died. Thereupon Allah's Apostle (may peace be upon him) said: O Allah, grant health to Sa'd. O Allah, grant health to Sad. He repeated it three times. He (Sa'd) said: Allah's Messenger, I own a large property and I have only one daughter as my inheritor. Should I not will away the whole of my property? He (the Holy Prophet) said: No. He said: (Should I not will away,) two-thirds of the property? he (the Holy Prophet) said: No. He (Sa'd) (again) said: (Should I not will away) half (of my property)? He said: No. He (Sa'd) said: Then one-third? Thereupon he (the Holy Prophet) said: (Yes), one-third, and one-third is quite substanial. And what you spend as charity from your property is Sadaqa and flour spending on your family is also Sadaqa, and what your wife eats from your property is also Sadaqa, and that you leave your heirs well off (or he said: prospreous) is better than to leave them (poor and) begging from people. He (the Holy Prophet) pointed this with his hands.

Book 13, Number 3998:

Humaid b. Abd al-Rahmin al-Himayri reported on the authority of the three of the sons of Sa'd: They said: Sa'd fell ill in Mecca. Allah's Messenger (may peace be upon him) visited him to inquire after his health. The rest of the hadith is the same.

Book 13, Number 3999:

Humaid b. Abd al-Rahman reported this hadith on the authority of three of Sa'd's sons: Sa'd fell ill in Mecca and Allah's Apostle (may peace be upon him) visited him. The rest of the hadith is the same.

Book 13, Number 4000:

Ibn 'Abbas (Allah be pleased with them) said: (I wish) if people would reduce from third to fourth (part for making a will of their property), for Allah's Messenger (may peace be upon him) said: So far as the third (part) is concerned it is quite substantial. In the hadith transmitted on the authority of Waki (the words are)" large" or" much".

Chapter 3: THE DECEASED IS ENTITLED TO REWARD FOR THE SADAQA GIVEN AFTER HIS DEATH

Book 13, Number 4001:

Abu Huraira (Allah be pleased with him) reported that a person said to Allah's Apostle (may peace be upon him): My father died and left behind property without making any will regarding it. Would he be relieved of the burden of his sing if I give sadaqa on his behalf? He (the Holy Prophet) said: Yea.

Book 13, Number 4002:

A'isha (Allah be pleased with her) reported that a man said to Allah's Apostle (may peace be upon him): My mother died all of a sudden, and I think if she (could have the opportunity) to speak she would have (made a will) regarding Sadaqa'. Will I be entitled to reward if I give charity on her behalf? He (the Holy Prophet) said: Yes.

Book 13, Number 4003:

A'isha (Allah be pleased with her) reported that a man came to Allah's Apostle (may peace be upon him) and said: Allah's Messenger, my mother died all of a sudden without making any will. I think if (she could have the opportunity) to speak she would have made a Sadaqa. Would there be any reward for her if I give charity on her behalf? He (the Holy Prophet) said: Yes.
Book 13, Number 4004:
This hadith has been narrated on the authority of Hisham b. 'Urwa with the same chain of transmitters.
Chapter 4: WHAT REWARD MAN GETS AFTER HIS DEATH
Book 13, Number 4005:
Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: When a man dies, his acts come to an end, but three, recurring charity, or knowledge (by which people) benefit, or a pious son, who prays for him (for the deceased).
Chapter 5: WAQF
Book 13, Number 4006:
Ibn Umar reported: Umar acquired a land at Khaibar. He came to Allah's Apostle (may peace be upon him) and sought his advice in regard to it. He said: Allah's Messenger, I have acquired land in Khaibar. I have never acquired property more valuable for me than this, so what do you command me to do with it? Thereupon he (Allah's Apostle) said: If you like, you may keep the corpus intact and give its produce as Sadaqa. So 'Umar gave it as Sadaqa declaring that property must not be sold or inherited or given away as gift. And Umar devoted it to the poor, to the nearest kin, and to the emancipation of slaves, aired in the way of Allah and guests. There is no sin for one, who administers it if he eats something from it in a reasonable manner, or if he feeds his friends and does not hoard up goods (for himself). He (the narrator) said: I narrated this hadith to Muhammad, but as I reached the (words)" without hoarding (for himself) out of it." he (Muhammad' said:" without storing the property with a view to becoming rich." Ibn 'Aun said: He who read this book (pertaining to Waqf) informed me that in it (the words are)" without storing the property with a view to becoming rich."
Book 13, Number 4007:
This hadith has been narrated on the authority of Ibn 'Aun with the same chain of transmitters up to the words:" Or he may feed the friend withoiut hoarding from it" and he made no mention of what follows.
Book 13, Number 4008:
'Umar reported: I acquired land from the lands of Khaibar. I came to Allah's Messenger (may peace be upon him) and said: I have acquired a piece of land. Never have I acquired land more loved by me and more cherished by me than this. The rest of the hadith is the same, but he made no mention of this:" I narrated it to Muhammad" and what follows.
Chapter 6: HE WHO HAS NOT ANYTHING WITH HIM TO WILL AWAY SHOULD NOT DO IT
Book 13, Number 4009:
Talha b. Musarrif reported: I asked 'Abdullah b. Abu Aufa whether Allah's Messenger (may peace be upon him) had made any will (in regard to his property). He said: NO. I said: Then why has making of will been made necessary for the Muslims, or why were they commanded to make will? Thereupon he said: He made the will according to the Book of Allah, the Exalted and Majestic.
Book 13, Number 4010:
This hadith has been narrated on the authority of Malik b. Mighwal with the same chain of transmitters but with a slight variation of words. In the hadith related by Waki (the words are)" I said: How the people have been ordered about the will" ; and in the hadith of Ibn Numair (the words are):" How the will has been prescribed for the Muslims, '.
Book 13, Number 4011:
A'isha reported: Allah's Messenger (may peace be upon him) left neither dinar nor dirham (wealth in the form of cash), nor goats (and sheep), nor camels. And he made no will about anything (in regard to his material possessions, as he had none),
Book 13, Number 4012:
This hadith has been narrated on the authority of A'mash with the same chain of transmitters.
Book 13, Number 4013:

Aswad b. Yazid reported: It was mentioned before A'isha that will had been made (by the Holy Prophet) in favour of 'Ali (as the Prophet's first caliph), whereupon she said: When did he make will in his favour? I had been providing support to him (to the Holy Prophet) with my chest (or with my lap). He asked for a tray, when he fell in my lap (relaxing his body), and I did not realise that he had breathed his last. When did he make any will in his ('Ali's) favour?

Book 13, Number 4014:

Sa'id b. Jubair reported that Ibn 'Abbas said: Thursday, (and then said): What is this Thursday? He then wept so much that his tears moistened the pebbles. I said: Ibn 'Abbas, what is (significant) about Thursday? He (Ibn 'Abbas) said: The illness of Allah's Messenger (may peace be upon him) took a serious turn (on this day), and he said: Come to me, so that I should write for you a document that you may not go astray after me. They (the Companions around him) disputed, and it is not meet to dispute in the presence of the Apostle. They said: How is lie (Allah's Apostle)? Has he lost his consciousness? Try to learn from him (this point). He (the Holy Prophet) said: Leave me. I am better in the state (than the one in which you are engaged). I make a will about three things: Turn out the polytheists from the territory of Arabia; show hospitality to the (foreign) delegations as I used to show them hospitality. He (the narrator) said: He (Ibn Abbas) kept silent on the third point, or he (the narrator) said: But I forgot that.

Book 13, Number 4015:

Sa'id b. Jubair reported from Ibn Abbas that he said: Thursday, and what about Thursday? Then tears began to flow until I saw them on his cheeks as it they were the strings of pearls. He (the narrator) said that Allah's Messenger (may peace be upon him) said: Bring me a shoulder blade and ink-pot (or tablet and inkpot), so that I write for you a document (by following which) you would never go astray. They said: Allah's Messenger (may peace upon him) is in the state of unconsciousness.

Book 13, Number 4016:

Ibn Abbas reported: When Allah's Messenger (may peace be upon him) was about to leave this world, there were persons (around him) in his house, 'Umar b. al-Kbattab being one of them. Allah's Apostle (may peace be upon him) said: Come, I may write for you a document; you would not go astray after that. Thereupon Umar said: Verily Allah's Messenger (may peace be upon him) is deeply afflicted with pain. You have the Qur'an with you. The Book of Allah is sufficient for us. Those who were present in the house differed. Some of them said: Bring him (the writing material) so that Allah's Messenger (may peace be upon him) may write a document for you and you would never go astray after him And some among them said what 'Umar had (already) said. When they indulged in nonsense and began to dispute in the presence of Allah's Messenger (may peace be upon him), he said: Get up (and go away) 'Ubaidullah said: Ibn Abbas used to say: There was a heavy loss, indeed a heavy loss, that, due to their dispute and noise. Allah's Messenger (may peace be upon him) could not write (or dictate) the document for them.

Book 14: The Book of Vows (Kitab Al-Nadhr)

Chapter 1: ...

Book 14, Number 4017:

Ibn Abbas reported that Sa'd b. Ubida asked Allah's Messenger (may peace be upon him) for a decision about a vow taken by his mother who had died before fulfilling it. Allah's Messenger (may peace be upon him) said: Fulfil it on her behalf.

Book 14, Number 4018:

This hadith has been narrated on the authority of Zuhri with a different chains of transmitters.

Book 14, Number 4019:

'Abdullah b. Umar reported: Allah's Messenger (may peace he upon him) singled out one day forbidding us to take vows and said: It would not avert anything; it is by which something is extracted from the miserly person.

Book 14, Number 4020:

Ibn Umar reported Allah's Apostle (may peace be upon him) as saying: The vow neither hastens anything nor defers anything, but is the means whereby (something) is extracted from the miserly person.

Book 14, Number 4021:
Ibn Umar reported that Allah's Apostle (may peace be upon him) forbade (people) taking vows, and said: It does not (necessarily) bring good (in the form of substantial, and tangible results), but it is the meant whereby something is extracted from the miserly persons.
Book 14, Number 4022:
This hadith has been narrated on the authority of Mansur with the same chain of transmitters.
Book 14, Number 4023:
Abu Heraira reported Allah's Messenger (may peace be upon him) as saying: Do not take vows, for a vow has no effect against Fate; it is only from the miserly that something is extracted.
Book 14, Number 4024:
Abu Huraira reported Allah's Messenger (may peace be upon him) forbidding taking of vows, and said: It does not avert Fate, but is the means by which something is extracted from the miser.
Book 14, Number 4025:
Abu Huraira reported Allah's Apostle (may peace be upon him) as saying: The vow does not bring anything near to the son of Adam which Allah has not ordained for him, but (at times) the vow coincides with Destiny, and this is how something is extracted from the miserly person, which that miser was not willing to give.
Book 14, Number 4026:
This hadith has been transmitted on the authority of 'Amr b. Abu 'Amr.
Chapter 2: THE VOW IS NOT TO BE FULFILLED WHICH IS MADE IN DISOBEDIENCE TO ALLAH, NOR THAT OVER WHICH A MAN HAS NO CONTROL
Book, Number 4027:
Imran b. Husain reported that the tribe of Thaqif was the ally of Banu 'Uqail. Thaqif took two persons from amongst the Companiobs of Allah's Messenger (may peace be upon him) as prisoners. The Campanions of Allah's Messenger (may peace be upon him) took one person at Banu Uqail as prisoner, and captured al-'Adbi (the she-camel of the Holy Prophet) along with him. Allah's Messenger (may peace be upon him) came to him and he was tied with ropes. He said: Muhammad. He came near him and said: What is the matter with you? Thereupon he (the prisoner) said: Why have you taken me as prisoner and why have you caught hold of one proceeding the pilgrims (the she-camel as she carried the Holy Prophet on her back and walked ahead of the multitude)? He (the Holy Prophet) said: (Yours is a great fault). I (my men) have caught hold of you for the crime of your allies, Banu Thaqif. He (the Holy Prophet) then turned away. He again called him and said: Muhammad, Muhammad, and since Allah's Messenger (may peace be upon him) was very compassionate, and tenderhearted, he returned to him, and said: What is the matter with you? He said: I am a Muslim, whereupon he (the Holy Prophet) said: Had you said this when you had been the master of yourself, you would have gained every success. He then turned away. He (the prisoner) called him again saying: Muhammad, Muhammad. He came to him and said: What is the matter with you? He said: I am hungry, feed me, and I am thirsty, so provide me with drink. He (the Holy Prophet) said: That is (to satisfy) your want. He was then ransomed for two persons (who had been taken prisoner by Thaqif). He (the narrator) said: A woman of the Ansar had been taken prisoner and also al-Adbi' was caught. The woman had been tied with ropes. The people were giving rest to their animals before their houses. She escaped one night from the bondage and came to the camels. As she drew near the camels, they fretted and fumed and so she left them until she came to al-, Adbi'. It did not fret and fume; it was docile She rode upon its back and drove it away and she went off. When they (the enemies of Islam) were warned of this, they went in search of it, but it (the she-camel) exhausted them. She (the woman) took vow for Allah, that in case He would save her through it, she would offer that as a sacrifice. As she reached Medina, the people saw her and they said: Here is al-Adbi, the she-camel of Allah's Messanger (may peace be upon him). She (the woman) said that she had taken a vow that if Allah would save her on its back, she would sacrifice it. They (the Prophet's Companions) came to Allah's Messenger (may peace be upon him) and made a mention of that to him, whereupon he said: Hallowed be Allah, how ill she rewarded it that she took vow to Allah that if He saves her on its back, she would sacrifice it! There is no fulfilment of the vow in an act of disobedience, nor in an act over

which a person has no control. In the version of Ibn Hujr (the words are):" There is no vow in disobedience to Allah."
Book 14, Number 4028:
This hadith is narrated on the authority of Ayyub with the same chain of transmitters and a slight variation of words.
Chapter 3: HE WHO TOOK THE VOW THAT HE WOULD GO ON FOOT TO THE KA'BA
Book 14, Number 4029:
Anas reported that Allah's Apostle (may peace be upon him) saw an old man being supported between his two sons. He (the Holy Prophet) said: What is the matter with him? They said: He had taken the vow to walk (on foot to the Ka'ba). Thereupon he (Allah's Apoitle) said: Allah is indifferent to his inflicting upon himself chastisement, and he commanded him to ride.
Book 14, Number 4020:
Abu Huraira reported: Allah's Apostle (may peace be upon him) found an old man walking between his two sons supported by them, whereupon Allah's Apostle (may peace be upon him) said: What is the matter with him? He (the narrator) said: Allah's Messenger, they are his sons and there is upon him the (fulfilment) of the vow, whereupon Allah's Apostle (may peace be upon him) said: Ride, old man, for Allah is not in need of you and your vow.
Book 14, Number 4031:
This hadith has been narrated on the authority of 'Amr b. Abu 'Amr with the same chain of transmitters.
Book 14, Number 4032:
'Uqba b. Amir reported: My sister took a vow that she would walk bare foot to the house of Allah (Ka'ba). She asked me to inquire from Allah's Messenger (may peace be upon him) about it. I sought his decision and he said: She should walk on foot and ride also.
Book 14, Number 4033:
This hadith has been narrated on the authority of 'Uqba b. Amir Juhani. but in this no mention has been made of" barefoot".
Book 14, Number 4034:
'Uqba. b. Amir reported Allah's Messenger (may peace be upon him) as saying: The expiation of the (breach of) a vow is the same as that of the (breach of an oath).
Book 15: The Book of Oaths (Kitab Al-Aiman)
Chapter 1: IT IS FORBIDDEN TO TAKE THE OATHS IN THE NAME OF ANYONE ELSE BESIDES ALLAH
Book 15, Number 4035:
'Umar b. al-Khattib reported Allah's Messenger (may peace be upon him) as saying: Allah, the Great and Majestic, forbids you to swear by your fathers. Umar said: By Allah. I have never sworn (by my father) since I heard Allah's Messenger (may peace be upon him) forbidding it mentioning them" on my behalf" nor on behalf of someone else.
Book 15, Number 4036:
This hadith has been transmitted on the authority of Zuhri except that in the hadith narrated on the authority of Uqail the words are:" I did not take oath by (anyone else except Allah) since I heard Allah's Messenger forbidding it. nor did I speak in such terms, and the narrator did not say," on my own behalf or on behalf of someone else".
Book 15, Number 4037:
Salim reported on the authority of his father that Allah's Apostle (may peace be upon him) heard 'Umar while he was taking oath by his father. The rest of the hadith is the same.
Book 15, Number 4038:
'Abdullah (b. Umar) reported that Allah's Messenger (may peace be upon him) found, Umar b. al-Khattab amongst the riders and he was taking oath by his father Allah's Messenger (may peace be upon him) called them (saying) ; Our Allah, the Exated and Majestic, has forbidden you that you take oath by your father. He who bag to take an oath, he must take it by Allah or keep quiet.
Book 15, Number 4039:

This hadith is narrated on the authority of Ibn Umar through another chain of transmitters.
Book 15, Number 4040:
Ibn 'Umar heard Allah's Messenger (may peace be upon him) as saying: He who has to take an oath, he must not take oath but by Allah. The Quraish used to take oath by their fathers. So he (the Holy Prophet) said: Do not take oath by your fathers.
Chapter 2: HE WHO TAKES AN OATH BY LAT AND UZZA, HE SHOULD SAY: THERE IS NO GOD BUT ALLAH
Book 15, Number 4041:
Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: He who takes an oath in the course of which he says: By Lat (and al-'Uzza), he should say: There is no god but Allah; and that it anyone says to his friend:" Come and I will gamble with you," he should pay sadaqa.
Book 15, Number 4042:
This hadith has been narrated on the authority of Zuhri.
Book 15, Number 4043:
Abd al-Rahman b. Samura reported Allah's Messenger (may peace be upon him) as saying: Do not swear by idols, nor by your fathers.
Chapter 3: IT IS EXCELLENT TO BREAK THE VOW IF ONE FINDS IT BETTER DOING THAT WHICH IS AGAINST THIS VOW ONE SHOULD EXPIATE IT
Book 15, Number 4044:
Abu Musa al-Ash'ari reported: I came to Allah's Apostle (may peace be upon him) along with a group of Ash'arites requesting to give us a mount. He (the Holy Prophet) said: By Allah, I cannot provide you with a mount, and there is nothing with me which I should give you as a ride. He (the narrator) said: We stayed there as long as Allah willed. Then there were brought to him (to the Holy Prophet) camels. He (the Holy Prophet) then ordered to give us three white humped camels, We started and said (or some of us said to the others): Allah will not bless us. We came to Allah's Messenger (may peace be upon him) begging him to provide us with riding camels. He swore that he could not provide us with a mount, but later on he provided us with that. They (some of the Prophet's Companions) came and informed him about this (rankling of theirs), whereupon he said: It was not I who provided you with a mount, but Allah has provided you with that. So far as I am concerned, by Allah, if He so wills, I would not swear, but if, later on, I would see better than it, I (would break the vow) and expiate it and do that which is better.
Book 15, Number 4045:
Abu Musa reported: My friends sent me to Allah's Messenger (may peace be upon him) asking him to provide them with mounts as they were going along with him in jaish al-'Usrah (the army of destitutes or of meagre means or army setting out during the hard times and that is the occasion of the expedition of Tabuk) I said: Apostle of Allah, my friends have sent me to you so that you may provide them with mounts. He (the Holy Prophet) said: By Allah, I cannot provide you with anything to ride. And it so happened that he was at that time much perturbed. I little knew of it, so I came back with a heavy heart on account of the refusal of Allah's Messenger (may peace be upon him), and the fear that Allah's Messenger (may peace be upon him) might have some feelings against me. I returned to my friends and informed them about what Allah's Messenger (may peace be upon him) had said. I had hardly stayed for a little that I heard Bilal calling: 'Abdullah b. Qais. I responded to his call. He said: Hasten to Allah's Messenger (may peace be upon him), he is calling you, When I came to the Holy Prophet (may peace be upon him) he said: Take this pair, this pair, and this pair (i. e. six camels which he had bought from Sa'd), and take them to y, our friends and say: Verily Allah (or he said: Verily Allah's Messenger (may peace be upon him) has provided you with these animals. So ride upon them. Abu Musa said: I went along with them to my friends and said: Verily Allah's messenger (may peace be upon him) has provided you with these animals for riding; but by Allah, I shall not leave you until some of you go along with me to him who had heard the talk of Allah's Messenger (may peace be upon him) then I asked him for you, and his refusal for the first time, and then his granting them to me subsequently; so you should not think that I narrated to you something which he did not say. They said to me: By Allah, in our opinion you are certainly truthful, and we would do as you like. So Abu

Musa went along withsome of the menfrom them until they came to those who had heard the words of Allah's Messenger (may, peace be upon him) and his refusal to (provide) them with (animals) ; and subsequently his granting (the animals) to them; and they narrated to them exactly as Abu Masa had narrated to them.
Book 15, Number 4046:
Ayyub said: We were sitting in the company of Abu Musa that he called for food and it consisted of flesh of fowl. It was then that a person from Banu Tamim visited him. His complexion was red having the resemblance of a slave. He said to him: Come and (join me in food). He showed reluctance. He (Abu Masa) said: Come on, for I saw Allah's Messenger (may peace be upon him) eating it (fowl's meat), whereupon that person said: I saw it eating something (of filth and rubbish) and I found it repugnant and took an oath that I would never eat that. He (Abu Muds) said: Come, so that I would narrate to you about that (the incident pertaining to vow). (And he narrated thus): I came to Allah's Messenger (may peace be upon him) along with a group of people belonging to the tribe of Ash'ari, asking him to provide us with riding camels. He (the Holy Prophet) said: By Allah, I cannot provide you with riding animals. And there is nothing with me with which I can provide you a mount. We stayed (for some time) there as Allah willed, and there was brought to Allah's Messenger (may peace be upon him) booty of camels. He called us and commanded that we should be given five white humped camels. As we were about to go back, some of us said to the other: As we made Allah's Messenger (may peace be upon him) forget oath, there would be no blessing for us (in his gift). We went back to him and said: Allah's Messenger, we came to you to provide us with riding animals and you took an oath that you would never equip us with mounts and then you have provided us with the riding beasts Allali's Messenger, have you forgotten? Thereupon he said: I swear by Allah that if Allah so wills, I shall not swear an oath, and then consider something else to be better than it without making atonement for my oath and doing the thing that is better. So you go; Allah, the Exalted and Glorious, has given you riding animals.
Book 15, Number 4047:
This hadith has been narrated on the authority of Abu Musa al-Ash'ari with a slight variation of words.
Book 15, Number 4048:
Zahdam al-Jarmi reported: We were in the company of Abu Musa. The rest of the hadith is the same.
Book 15, Number 4049:
Zahdam al-Jarmi reported: I visited Abu Musa and lie was eating fowl's meat. The rest of the hadith is the same with this addition that he (the Holy Prophet) said: By Allah, I did not forget it.
Book 15, Number 4050:
Abu Musa al-Ash'ari reported: We came to Allah's Messenger (may peace be upon him) requesting him to provide us with riding camels. He (the Holy Prophet) said: There is nothing with me with which I should equip you. By Allah, I would not provide you with (riding camels). Then Allah's Messenger (may peace be upon him) sent to us three camels with spotted bumps. We said: We came to Allah's Messenger (may peace be upon him) asking him to equip us with riding animals. He took an oath that he could not equip us. We came to him and informed him. He said: By Allah, I do not take an oath, but when I find the other thing better than that, I do that which is better.
Book 15, Number 4051:
Abu Musa reported: We walked on foot and came to Allah's Apostle (may peace he upon him) asking him to provide us with mounts. The rest of the hadith is the same.
Book 15, Number 4052:
Abu Huraira reported: A person sat late in the night with Allah's Apostle (may peace be upon him), and then came to his family and found that his children had gone to sleep. His wife brought food for him. but he took an oath that he would not eat because of his children (having gone to sleep without food) He then gave precedence (of breaking the vow and then expiating it) and ate the food He then came to Allah s Messenger (may peace be upon him) and made mention of that to him, whereupon Allah's Messenger (may peace he upon him) said: He who took an oath and (later on) found something better than that should do that, and expiate for (breaking) his vow.
Book 15, Number 4053:

Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: He who took an oath and then found another thing better than (this) should expiate for the oath (broken) by him and do (the better thing).
Book 15, Number 4054:
Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: He who took an oath and (later on) found another thing better than that, he should do that which is better, and expiate for the vow (broken by him).
Book 15, Number 4055:
This hadith is narrated on the authority of Suhail with the same chain of transmitters (with these words):" He should expiate for (breaking) the vow and do that which is better."
Book 15, Number 4056:
Tamim b. Tarafa reported: A beggar came to 'Adi b. Hatim and he begged him to give him the price of a slave, or some portion of the price of the slave. He ('Adi) said: I have nothing to give you except my coat-of-mail and helmet. I will, however, write to my family to give that to you, but he did not agree to that. Thereupon 'Adi was enraged, and said: By Allah, I will not give you anything. The person (then) agreed to accept that, whereupon he said: By Allah, had I not heard Allah's Messenger (may peace be upon him) saying:" He who took an oath, but then found something more pious in the sight of Allah, he should (break the oath) and do that which is more pious," I would not have broken the oath (and thus paid you anything).
Book 15, Number 4057:
'Adi b. Hatim reported Allah's Messenger (may peace be upon him) as saying: He who took an oath, but he found something else better than that, should do that which is better and break his oath.
Book 15, Number 4058:
'Adi reported Allah's Messenger (may peace be upon him) as saying: When anyone amongst you takes an oath, but he finds (something) better than that he should expiate (the breaking of the oath), and do that which is better.
Book 15, Number 4059:
This hadith is reported on the authority of Adi b. Hatim through another chain of transmitters.
Book 15, Number 4060:
Tamim b. Tarafa reported that he beard 'Adi b. Hatim say that a person came to him and asked for one hundred dirhams. He ('Adi) said: You asked Me for one hundred dirhams and I am the son of Hatim; by Allah, I will not give you. But then he said: (I would have done that) if I had not heard Allah's Messenger (may peace be upon him) say: He who takes an oath, but then finds something better than that, should do that which is better.
Book 15, Number 4061:
Tamim b. Tarafa reported: I heard 'Adi b. Hatim say that a person asked that and then narrated (the hadith) like one (mentioned above), but he made this addition:" Here are four hundred (dirhams) for you out of my gift."
Book 15, Number 4062:
Abd al-Rahman b. Samura reported that Allah's Messenger (may peace be upon him) said to me: Abd al-Rahman b. Samura, don't ask for authority for if it is granted to you for asking for it, you would be commissioned for it (without having the support of Allah), but if you are granted it without your asking for it. You would be helped (by Allah) in it. And when you take an oath and find something else better than that, expiate for (breaking) your oath, and do that which is better. This hadith has also been transmitted on the authority of Ibn Farrukh.
Book 15, Number 4063:
This hadith has been narrated on the authority of 'Abd al-Rahman b. Samura through another chain of transmitters but there is no mention of the word" authority".
Chapter 4: THE OATH WOULD BE CONSIDERED ON THE BASIS OF THE INTENTION OF ONE WHO TAKES AN OATH
Book 15, Number 4064:

Abu Haraira reported Allah's Messenger (may peace be upon him) as saying: Your oath should be about something regarding which your companion will believe you. 'Amr said: By which your companion will believe you.

Book 15, Number 4065:

Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: An oath is to be interpreted according to the intention of the one who takes it.

Chapter 5: EXPRESSING THE WORDS" GOD WILLING" IN THE OATH

Book 15, Number 4066:

Abu Huraira reported that (Hadrat) Sulaiman had sixty wives. He (one day) said: I will visit each one of them every night, and every one of them will become pregnant and give birth to a male child who will be a horseman and fight in the cause of Allah. But (it so happened) that none of them became pregnant except one, but she gave birth to an incomplete child. Thereupon Allah's Messenger (may peace be upon him) said: Had he said Insha' Allah (if God so wills), then every one of them would have given birth to a child who would have been a horseman and fought in the cause of Allah

Book 15, Number 4067:

Abu Huraira reported Allah's Prophet (may peace be upon him) as saying that Sulaiman b. Dawud, the Apostle of Allah, observed: I will have an intercourse with seventy wives during the night; all of them will give birth to a male child who will fight in the cause of Allah. His companion or the ang I said to him: Say," If God wills." But he (Hadrat Sulaimin) did not say so, and he forgot it. And none of his wives gave birth to a child, but one who gave birth to a premature child. Allah's Messenger (may peace be upon him) said: Had he said Insha' Allah (if God so will). he would not have failed and his desire would have been materialised.

Book 15, Number 4068:

Abu Huraira reported this hadith from the Apostle of Allah (may peace be upon him) through another chain of transmitters.

Book 15, Number 4069:

Abu Huraira reported that Sulaiman b. Dawud said: I will certainly have intercourse with seventy wives during the night, and every wife amongst them will give birth to a child, who will fight in the cause of Allah. It was said to him: Say:" Insha' Allah" (God willing), but he did not say so and forgot it. He went round them but none of them give birth to a child except one woman and that too was an incomplete person. Upon this Allah's Messenger (may peace be upon him) said: If he had said" Insha' Allah." he would not have failed, and his desire must have been fulfilled.

Book 15, Number 4070:

Abu Huraira reported Allah's Apostle (may peace be upon him) as saying that Sulaiman b. Dawud (once) said: I will go round in the night to my ninety wives, and every one of them will give birth to a child (who will grow up) as a horseman and fight in the cause of Allah His companions said to him: Say" Insha' Allah." but he did not say Inshii' Allah. He went round all of them but none of them became pregnant but one, and she gave birth to a premature child. And by Him in Whose hand is the life of Muhammad, if he had said, Insha' Allah (his wives would have given birth to the children who would all have grown up into horsemen and fought in the way of Allah). This hadith has been narrated on the authority of Abu Zinad with the same chain of transmitters with a variation of (these words):" Every one of them giving birth to a child, who would have fought in the cause of Allah."

Chapter 6: IT IS FORBIDDEN TO PERSIST IN AN OATH WHICH CAUSES TROUBLE TO THE FAMILY, AND IS NOT LAWFUL

Book 15, Number 4071:

Hammam b. Munabbih reported: This is what Abu Huraira reported to us from Allah's Messenger (may peace be upon him), and he narrated a hadith and (one) of them is that Allah's Messenger (may peace be upon him) said: I swear by Allah, it is more sinful in Allah's sight for one of you to persist in an oath regarding his family than payment of its expiation which Allah has imposed upon him (for breaking the oath).

Chapter 7: WHAT A NON-BELIEVER SHOULD DO WITH HIS VOW WHEN HE EMBRACES ISLAM

Book 15, Number 4072:
Ibn 'Umar reported that Umar (b. Khattab) said: Messenger of Allah, I had taken a vow during the days of Ignorance (Jahiliyya) that I would observe I'tikaf for a night in the Sacred Mosque. He (the Holy Prophet) said: Fulfil your vow.
Book 15, Number 4073:
This hadith is transmitted on the authority of Ibn Umar with a slight variation of words.
Book 15, Number 4074:
'Abdullah b. 'Umar reported that 'Umar b. Khattab asked the Messenger of Allah (may peace be upon him) as he was at ji'rana (a town near Mecca) on his way back from Ta'if: Messenger of Allah, I had taken a vow during the days of Ignorance that I would observe I'tikaf for one day in the Sacred Mosque. So what is your opinion? He said: Go and observe I'tikaf for a day. And Allah's Messenger (may peace be upon him) gave him a slave girl out of the one-fifth (of the spoils of war meant for the Holy Prophet). And when Allah's Messenger (inay peace be upon him) set the war prisoners free. 'Umar b. Khattab heard their voice as they were saying: Allah's Messenger (may peace be upon him) has set as free. He (Hadrat 'Umar) said: What is this? They said: Allah's Messenger (may peace be upon him) has set free the prisoners of war (which had fallen to the lot of people). Thereupon he (Hadrat 'Umar) said: Abdullah, go to that slave-girl and set her free.
Book 15, Number 4075:
lbn 'Umar reported: When Allah's Apostle (may peace be upon him) came back from the Battle of Hunain, Umar asked Allah's Messenger (may peace be upon him) about the vow he had taken during the days of Ignorance that he would observe I'tikaf for a day. The rest of the hadith is the same.
Book 15, Number 4076:
Nafi' reported: A mention of Allah's Messenger (may peace be upon him) observing 'Umra from ja'rina was made before Ibn 'Umar. He said: He did not enter into the state of Ihram from that (place), and Umar had taken a vow of observing I'tikaf for a night during the days of Ignorance. The rest of the hadith is the same.
Book 15, Number 4077:
This hadith has been transmitted on the authority of Ibn Umar through another chain of transmitters but with a slight variation of words.
Chapter 8: HOW SHOULD THE MASTERS TREAT THEIR SLAVES AND EXPIATION IF THEY SHOW HIGH-HANDEDNESS
Book 15, Number 4078:
Zadhan Abl Umar reported: I came to Ibn 'Umar as he had granted freedom to a stave. He (the narrator further) said: He took hold of a wood or something like it from the earth and said: It (freedom of a slave) has not the reward evert equal to it, but the fact that I heard Allah's Messenger (way peace be upon him) say: He who slaps his slave or beats him, the expiation for it is that he should set him free.
Book 15, Number 4079:
Zadhan reported that Ibn Umar called his slave and he found the marks (of beating) upon his back. He said to him: I have caused you pain. He said: No. But he (Ibn Umar) said: You are free. He then took hold of something from the earth and said: There is no reward for me even to the weight equal to it. I heard Allah's Messenger (may peace be upon him) as saying: He who beats a slave without cognizable offence of his or slaps him (without any serious fault), then expiation for it is that he should set him free.
Book 15, Number 4080:
This hadith has been narrated through another chain of transmitters with a slight variation of words.
Book 15, Number 4081:
Mu'awiya b. Suwaid reported: I slapped a slave belonging to us and then fled away. I came back just before noon and offered prayer behind my father. He called him (the slave) and me and said: Do as he has done to you. He granted pardon. He (my father) then said: We belonged to the family of Muqarrin during the lifetime of Allah's Messenger (may peace be upon him. and had only one slave-girl and one of us slapped her. This news reached Allah's Apostle (may peace be upon him) and he said: Set her

free. They (the members of the family) said: There is no other servant except she. Thereupon he said: Then employ her and when you can afford to dispense with her services, then set her free.

Book 15, Number 4082:

Hilal b. Yasaf reported that a person got angry and slapped his slave-girl. Thereupon Suwaid b. Muqarrin said to him: You could find no other part (to slap) but the prominent part of her face. See I was one of the seven sons of Muqarrin, and we had but only one slave-girl. The youngest of us slapped her, and Allah's Messenger (may peace be upon him) commanded us to set her free. 2097

Book 15, Number 4083:

Hilal b. Yasaf reported: We used to sell cloth in the house of Suwaid b. Muqarrin, the brother of Nu'man b. Muqarrin. There came out a slave-girl, and she said something to a person amongst us, and he slapped her. Suwaid was enraged-the rest of the hadlth is the same.

Book 15, Number 4084:

Suwaid b. Muqarrin reported that he had a slave-girl and a person (one of the members of the family) slapped her, whereupon Suwaid said to him: Don't you know that it is forbidden (to strike the) face. He said: You see I was the seventh one amongst my brothers during the lifetime of Allah's Messenger (may peace be upon him), and we had but only one servant. One of us got enraged and slapped him. Thereupon Allah's Messenger (may peace be upon him) commanded us to set him free.

Book 15, Number 4085:

Wahb b. Jarir reported: Shu'ba informed that Muhammad b. Munkadir said to me: What is your name? The rest of the hadith is the same.

Book 15, Number 4086:

Abu Mas'ud al-Badri reported: I was beating my slave with a whip when I heard a voice behind me: Understand, Abu Masud; but I did not recognise the voice due to intense anger. He (Abu Mas'ud) reported: As he came near me (I found) that he was the Messenger of Allah (may peace be upon him) and he was saying: Bear in mind, Abu Mas'ud; bear in mind. Abu Mas'ud. He (Aba Maslad) said: threw the whip from my hand. Thereupon he (the Holy Prophet) said: Bear in mind, Abu Mas'ud; verily Allah has more dominance upon you than you have upon your slave. I (then) said: I would never beat my servant in future.

Book 15, Number 4087:

This hadith has been narrated on the authorityo A'mash but with this variation of words:" There fell from my hand the whip on account of his (the Prophet's) awe."

Book 15, Number 4088:

Abu Mas'ud al-Ansari reported: When I was beating my servant, I heard a voice behind me (saying): Abu Mas'ud, bear in mind Allah has more dominance over you than you have upon him. I turned and (found him) to be Allah's Messenger (may peace be upon him). I said: Allah's Messenger, I set him free for the sake of Allah. Thereupon he said: Had you not done that, (the gates of) Hell would have opened for you, or the fire would have burnt you.

Book 15, Number 4089:

Abu Mas'ud reported that he had been beating his slave and he had been saying: I seek refuge with Allah, but he continued beating him, whereupon he said: I seek refuge with Allah's Messenger, and he spared him. Thereupon Allah's Messenger (may peace be upon him) said: By Allah, God has more dominance over you than you have over him (the slave). He said that he set him free. This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters, but made no mention of (these words) of his: I seek refuge with Allah, I seek refuge with Allah's Messenger (may peace be upon him).

Chapter 9: IT IS IMPROPER TO ACCUSE THE SLAVE OF ADULTERY

Book 15, Number 4090:

Abu Huraira reported that Abu'l-Qasim (one of the names of Allah's Messenger [may peace be upon him]) said: He who accused his slave of adultery, punishment would be imposed upon him on the Day of Resurrection, except in case the accusation was as he had said.

Book 15, Number 4091:

This hadith has been narrated on the authority of Ibn Ghazwan (and the words are):" I heard Abu'l-Qasim (may peace be upon him) as the Prophet of repentance."

Chapter 10: FEEDING OF SLAVE WITH WHAT THE MASTER EATS HIMSELF AND CLOTHING HIM WITH WHAT HE WEARS HIMSELF AND NOT TO BURDEN HIM BEYOND CAPACITY

Book 15, Number 4092:

Al-Ma'rur b. Suwaid said: We went to Abu Dharr (Ghifari) in Rabadha and he had a mantle over him, and his slave had one like it. We said: Abu Dharr, had you joined them together, it would have been a complete garment. Thereupon he said: There was an altercation between me and one of the persons among my brothers. His mother was a non-Arab. I reproached him for his mother. He complained against me to Allah's Apostle (may peace be upon him). As I met Allah's Apostle (may peace be upon him) he said: Abu Dharr, you are a person who still has (in him the remnants) of the days (of Ignorance). Thereupon I said: Allah's Messenger, he who abuses (other) persons, they abuse (in return) his father and mother. He (the Holy Prophet) said: Abu Dharr, you are a person who still has (the remnants) of Ignorance in him They (your servants and slaves) are your brothers. Allah has put them in your care, so feed them with what you eat, clothe them with what you wear. and do not burden them beyond their capacities; but if you burden them (with an unbearable burden), then help them (by sharing their extra burden).

Book 15, Number 4093:

This hadith has been narrated on the authority of A'mash but with a slight variation of words, e. g. in the hadith transmitted on the authority of Zuhair and Abu Mu'awiya after his words (these words of the Holy Prophet):" You are a person having the remnants of Ignorance in him." (these words also occur, that Abu Dharr) said: Even up to this time of my old age? He (the Holy Prophet) said: Yes. In the tradition transmitted on the authority of Abu Mu'awiya (the words are):" Yes, in this time of your old age." In the tradition transmitted on the authority of 'Isa (the words are):" If you burden him (with an unbearable burden), you should sell him (and get another slave who can easily undertake this burden)." In the hadith transmitted on the authority of Zuhair (the words are):" Help him in that (work)." In the hadith transmitted by Abu Mu'awiya (separately) there is no such word: Then sell him or help him." This hadith concludes with these words:" Do not burden him beyond his capacity."

Book 15, Number 4094:

Ma'rur b. Suwaid reported: I saw Abu Dharr wearing clothes, and his slave wearing similar ones. I asked him about it, and he narrated that he had abused a person during the lifetime of Allah's Messenger (may peace be upoe. him) and he reproached him for his mother. That person came to Allah's Apostle (may peace be upon him) and made mention of that to him. Thereupon Allah's Apostle (may peace be upon him) said: You are a person who has (remnants of) Ignorance in him. Your slaves are brothers of yours. Allah has placed them in your hand, and he who has his brother under him, he should feed him with what he eats, and dress him with what he dresses himself, and do not burden them beyond their capacities, and if you burden them, (beyond their capacities), then help them.

Book 15, Number 4095:

Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: It is essential to feed the slave, clothe him (properly) and not burden him with work which is beyond his power.

Book 15, Number 4096:

Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: When the slave of anyone amongst you prepares food for him and he serves him after having sat close to (and undergoing the hardship of) heat and smoke, he should make him (the slave) sit along with him and make him eat (along with him), and if the food seems to run short, then he should spare some portion for him (from his own share) - (another narrator) Dawud said:" i. e. a morsel or two". 4097

Chapter 11: REWARD OF THE SALVE WHEN HE IS LOYAL TO HIS MASTER AND IS GOOD IN WORSHIPPING ALLAH

Book 15, Number 4097:

Ibn Umar reported Allah's Messenger (may peace be upon him) as saying: When a slave looks to the welfare of his master and worships Allah well, he has two rewards for him.

Book 15, Number 4098:
This hadith has been narrated on the authority of Ibn 'Umar through another chain of transmitters.
Book 15, Number 4099:
Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: For a faithful slave there are two rewards. By him in Whose hand is the life of Abu Huraira, but for Jibad in the cause of Allah, and Pilgrimage and kindness to my mother, I would have preferred to die as a slave. He (one of the narrators in the chain of transmitters) said: This news reached us that Abu Huraira did not perform Pilgrimage until his mother died for (keeping himself constantly) in her service. This hadith has been transmitted on the authority of Abu Tahir but with a slight variation of words.
Book 15, Number 4100:
Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: When a slave fulfils obligation of Allah and obligation of his master, he has two rewards for him. I narrated this to Ka'b, and Ka'b said: (Such a slave) has no accountability, nor has a poor believer.
Book 15, Number 4101:
Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: It is good for a slave that he worships Allah well, and serves his master (well). It is good for him.
Chapter 12: HE WHO EMANCIPATES HIS SHARE IN THE SLAVE
Book 15, Number 4102:
Ibn 'Umar reported Allah's Messenger (may peace be upon him) as saying: He who gives up his share in a slave, and has enough money to pay the full price of the slave, then full emancipation devolves upon him; but if he has not the money, then he emancipated what he emancipated.
Book 15, Number 4103:
Ibn 'Umar reported Allah's Messenger (may peace be upon him) as saying: He who emancipates his share in the slave, it is his responsibility to secure full freedom for him provided he (the slave) has enough money to pay the (remaining) price, but it he has not so much money he would be emancipated to the extent that the first man emancipated.
Book 15, Number 4104:
'Abdullah b. 'Umar reported Allah's Messenger (may peace be upon him) as saying: He who gives up his share in a slave, and he has money enough to meet the full price, a fair price for him should be fixed; otherwise be has emancipated him to the extent that he has emancipated.
Book 15, Number 4105:
This hadith has been narrated through another chain of transmitters with a slight variation of words.
Book 15, Number 4106:
Salim b. 'Abdullah reported on the authority of his father that Allah's Apostle (may peace be upon him) said: He who emancipates a slave (shared) by him and another one, his full price may be justly assessed from his wealth, neither less nor more, and he (the slave) would be emancipated if he (the partner) would be solvent enough (to forgo the amount of his share).
Book 15, Number 4107:
Ibn 'Umar reported Allah's Apostle (may peace be upon him) as saying: He who gives up his share in a slave, the remaining (share) will be paid out of his riches if his riches are enough to meet the price of the slave.
Book 15, Number 4108:
Abu Huraira reported Allah's Apostle (may peace be upon him) as saying: In case the slave is owned by two persons, and one of them emancipates him, he will guarantee (his full freedom).
Book 15, Number 4109:
This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters (and the words are):" He who emancipates a portion in a slave, he should (secure full) freedom for him from his property."
Book 15, Number 4110:
Abu Huraira reported Allah's Apostle (may peace be upon him) as saying: He who emancipates his portion in a slave, full emancipation may be secured for him out of his property (if he has money) if he has enough property to meet (the required expenses), but if he has not enough property, the slave

should be put to extra labour (in order to earn money for buying his freedom), but he should not be overburdened.

Book 15, Number 4111:

This hadith has been narrated through another chain of transmitters (and the words are):" He will be required to work (in order to secure freedom) for that por- tion in which he has not been emancipated, without overburdening him."

Book 15, Number 4112:

'Imran b. Husain reported that a person who had no other property emancipated six slaves of his at the time of his death. Allah's Messenger (may peace be upon him) called for them and divided them into three sections, cast lots amongst them, and set two free and kept four in slavery; and he (the Holy Prophet) spoke severely of him.

Book 15, Number 4113:

This hadith has been narrated through another chain of transmitters (and the words are):" A person from among the Ansar willed away the freedom of six slaves of his at the time of his death."

Book 15, Number 4114:

This hadith has been reported on the authority of Imran b. Husain through another chain of narrators.

Chapter 13: THE PERMISSIBILITY OF BUYING A MUDABBAR SLAVE

Book 15, Number 4115:

Jabir b. 'Abdullah said that a person among the Ansar declared his slave free after his death, as he had no other property. This news reached the Apostle of Allah (may peace be upon him) and he said: Who will buy him from me? And Nu'aim b. al-Nahham bought him for eight hundred dirhams and he handed them over to him, 'Amr (one of the narrators) said: I heard Jabir b. 'Abdullah as saying: He was a Coptic slave, and he died in the first year (of the Caliphate of 'Abdullah b. Zubair).

Book 16: The Book Pertaining to the Oath, for Establishing the Responsibility of Murders, Fighting, Requital and Blood-Wit (Kitab Al-Kitab Al-Qasama wa'l-Muharaba wa'l-Qisas wa'l-Diyat)

Chapter 1: AL-OASAMAH

Book 16, Number 4119:

Sahl b. Abu Hathma and Rafi' b. Khadij reported that 'Abdullah b. Sahl b. Zaid and Muhayyisa b. Mas'ud b. Zaid went out and as they reached Khaibar they were separated. Then Muhayyisa found 'Abdullah b. Sahl having been killed. He buried him, and then came to Allah's Messenger (may peace be upon him). They were Huwayyisa b. Mas'ud and 'Abd al-Rahman b. Sahl, and he (the latter one) was the youngest of the people (those three who had come to seek an interview with the Holy Prophet) began to talk before his Companions (had spoken). Thereupon Allah's Messenger (may peace be upon him) said: The eldest one (eldest in regard to age should speak). So he kept quiet, and his companions (Muhayyisa and Huwayyisa) began to speak, and he ('Abd al Rahman) spoke along with them and they narrated to Allah's Messenger (may peace be upon him) the murder of 'Abdullah b. Sahl. Thereupon he said to them: Are you prepared to take fifty oaths so that you may be entitled (to blood-wit) of your companion (or your man who has murdered)? They said: How can we take an oath on a matter which we have not witnessed? He (the Holy Prophet) said: Then the Jews will exonerate themselves by fifty oaths. They said: How can we accept the oaths of people who are unbelievers? When Allah's Messenger (may peace be upon him) saw that, he himself paid his blood-wit.

Book 16, Number 4120:

Sahl. b. Abu Hathma and Rafi' b. Khadij reported that Muhayyisa b. Mas'ud and 'Abdullah b. Sahl went towards Khaibar and they separated near the palm-trees. 'Abdullah b. Sahl was killed. They accused the Jews (for this act). And there came to Allah's Apostle (may peace be upon him) his brother (the brother of the slain person) 'Abd al-Rahman and his cousins Huwayyisa and Muhayyisa; and 'Abd al-Rahman talked to him about the matter pertaining to (the murder of) his brother, and he was the youngest among them. Thereupon Allah's Messenger (may peace be upon him) said: Show regard for the greatness of the old, or he said: Let the eldest begin speaking. Then they (Huwayyisa and Muhayyisa) spoke about the matter of their companion (murder of their cousin, 'Abdullah b. Sahl). Thereupon Allah's Messenger (may peace be upon him) said: Let fifty (persons) among you take oath for levelling the charge (of murder) against a person amongst them, and he would be

surrendered to you. They said: We have not witnessed this matter ourselves. How can we then take oath? He (the Holy Prophet) said: The Jews will exonerate themselves by the oaths of fifty of them. They said: Messenger of Allah, they are non-believing people. Thereupon Allah's Messenger (may peace be upon him) paid the blood wit for him. Sahl said: As one day I entered the fold a she-camel amongst those camels hit me with its leg.

Book 16, Number 4121:

Sahl b. Abu Hathma has narrated this hadith through another chain of transmitters with a slight variation of words, but no mention has been made of the hitting by the she-camel.

Book 16, Number 4122:

This hadith has been narrated on the authority of Sahl b. Abu Hathma through another chain of transmitters.

Book 16, Number 4123:

Bushair b. Yasar reported that 'Abdullah b. Sahl b. Zaid and Muhayyisa b. Mas'ud b. Zaid, both of them were Ansar belonging to the tribe of Banu Haritha, set out to Khaibar during the lifetime of Allah's Messenger (may peace be upon him). There was peace during those days and (this place) was inhabited by the Jews. They parted company for their (respective) needs. 'Abdullab b. Sahl was killed, and his dead body was found in a tank. His companion (Muhayyisa) buried him and came to Medina, and the brothers of the slain 'Abd al-Rahman b. Sahl. and Muhayyisa and Huwayyisa told Allah's Messenger (may peace be upon him) the case of 'Abdullah and the place where he had been murdered. Bushair reported on the authority of one who had seen Allah's Messenger (may peace be upon him) that he had said to them: You take fifty oaths and you are entitled to blood-wit of (one) slain among you (or your companion). They said: Messenger of Allah, we neither saw (with our own eyes this murder) nor were we present there. Thereupon (Allah's Messenger is reported to have said): Then the Jews will exonerate themselves by taking fifty oaths. They said: Allah's Messenger, how can we accept the oath of unbelieving people? Bushair said that Allah's Messenger (may peace be upon him) paid the blood-wit himself.

Book 16, Number 4124:

Bushair b. Yasar reported that a person from the Ansar belonging to the tribe of Banu Haritha who was called 'Abdullah b. Sahl b. Zaid set out and the son of his uncle called Muhayyisa b. Mas'ud b. Zaid, the rest of the hadith is the same up to the words:" Allah's Messenger (may peace be upon him) paid the blood-wit himself." Bushair b. Yasar reported that Sahl b. Abu Hathma said: One camel amongst the camels paid as blood-wit kicked me while I was in the (camel) enclosure.

Book 16, Number 4125:

Bushair b. Yasar al-Ansari reported on the authority of Sahl b. Abu Hathma al-Ansari that some men (of his tribe went to Khaibar, and they were separated from one another, and they found one of them slain. The rest of the hadith is the same. And it was said in this connection: Allah's Messenger (may peace be him) did not approve of his blood go waste. He paid blood-wit of one hundred camels of Sadaqa.

Book 16, Number 4126:

Abu Laila 'Abdullah b. 'Abd al-Rahman b. Sahl reported that the elderly persons of (the tribe) had informed Sahl b. Abu Hathma that 'Abdullah b. Sahl and Muhayyisa went out to Khaibar under some distress which had afflicted them. Muhayyisa came and informed that Abdutlah b. Sahl had been killed, and (his dead body) had been thrown in a well or in a ditch. He came to the Jews and said: By Allah, it is you who have killed him. They said: By Allah, we have not killed him. He then came to his people, and made mention of that to them. Then came he and his brother Huwayyisa, and he was older than he, and 'Abd al-Rahman b. Sahl. Then Muhayyisa went to speak, and it was he who had accompanied ('Abdullah) to Khaibar, whereupon Allah's Messenger (may peace be upon him) said to Muhayyisa: Observe greatness of the great (he meant the seniority of age). Then Huwayyisa spoke and then Muhayyisa also spoke. Thereupon Allah's Messenger (may peace be upon him) said: They should either pay blood-wit for your companion, or be prepared for war. Allah's Messenger (may peace be upon him) wrote about it to them (to the Jews). They wrote: Verily, by Allah, we have not killed him. Thereupon Allah's Messenger (may peace be upon him) said to Huwayyisa and Muhayyisa

and Abd al-Rahman: Are you prepared to take oath in order to entitle yourselves for the blood-wit of your companion? They said: No. He (the Holy Prophet) said: Then the Jews will take oath (of their innocence). They said: They are not Muslims. Allah's Messenger (may peace be upon him), however, himself paid the blood-wit to them and sent to them one hundred camels until they entered into their houses, Sahl said: One red she-camel among them kicked me.
Book 16, Number 4127:
Sulaiman b. Yasar, the freed slave of Maimuna, the wife of Allah's Apostle (may peace be upon him), narrated from one of the Ansari Companions of Allah's Messenger (may peace be upon him) that Allah's Messenger (may peace be upon him) retained (the practice) of Qasama as it was in the pre-Islamic days.
Book 16, Number 4128:
This hadith has been narrated on the authority of Ibn Shihab with the same chain of transmitters but with this addition:" Allah's Messenger (may peace be upon him) decided (according to Qasama) between the persons of Ansar (and yours) about a slain (Muslim) for which they made claim against the Jews
Book 16, Number 4129:
This hadith has been narrated on the authority of Abu Salama b. 'Abd al-Rahman and Sulaiman b. Yasar.
Chapter 2: PERTAINING TO THE COMBATANTS AND APOSTATES
Book 16, Number 4130:
Anas b. Malik reported that some people belonging (to the tribe) of 'Uraina came to Allah's Messenger (may peace be upon him) at Medina, but they found its climate uncogenial. So Allah's Messenger (may peace be upon him) said to them: If you so like, you may go to the camels of Sadaqa and drink their milk and urine. They did so and were all right. They then fell upon the shepherds and killed them and turned apostates from Islam and drove off the camels of the Prophet (may peace be upon him). This news reached Allah's Apostle (may peace be upon him) and he sent (people) on their track and they were (brought) and handed over to him. He (the Holy Prophet) got their hands cut off, and their feet, and put out their eyes, and threw them on the stony ground until they died.
Book 16, Number 4131:
Anas reported: Eight men of the tribe of 'Ukl came to Allah's Messenger (may peace be upon him) and swore allegiance to him on Islam, but found the climate of that land uncogenial to their health and thus they became sick, and they made complaint of that to Allah's Messenger (may peace be upon him), and he said: Why don't you go to (the fold) of our camels along with our shepherd, and make use of their milk and urine. They said: Yes. They set out and drank their (camels') milk and urine and regained their health. They killed the shepherd and drove away the camels. This (news) reached Allah's Messenger (may peace be upon him) and he sent them on their track and they were caught and brought to him (the Holy Prophet). He commanded about them, and (thus) their hands and feet were cut off and their eyes were gouged and then they were thrown in the sun, until they died.
This hadith has been narrated on the authority of Ibn al-Sabbah with a slight variation of words.
Book 16, Number 4132:
Anas b. Malik reported that some people of the tribe of 'Ukl or 'Uraina came to Allah's Messenger (may peace be upon him), and they found the climate of Medina uncogenial. Allah's Messenger (may peace be upon him) commanded them to the milch she-camels and commanded them to drink their urine and their milk. The rest of the hadith is the same (and the concluding words are):" Their eyes were pierced, and they were thrown on the stony ground. They were asking for water, but they were not given water."
Book 16, Number 4133:
Abu Qilaba reported: I was sitting behind 'Umar b. 'Abd al-'Aziz and he said to the people: What do you say about al-Qasama? Thereupon 'Anbasa said: Anas b Malik narrated to us such and such (hadith pertaining to al-Qasama). I said: This is what Anas had narrated to me: People came to Allah's Apostle (may peace be upon him), and the rest of the hadith is the same. When I (Abu Qilaba) finished (the narration of this hadith), 'Anbasa said: Hallowed be Allah. I said: Do you blame me (for

telling a lie)? He ('Anbasa) said: No. This is how Anas b Malik narrated to us. O people of Syria, you would not be deprived of good, so long as such (a person) or one like him lives amongst you.
Book 16, Number 4134:
Anas b. Malik reported: There came to Allah's Messenger (may peace be upon him) eight persons from the tribe of 'Ukl, but with this addition that he did not cauterise (the wounds which hid been inflicted upon them while punishing them).
Book 16, Number 4135:
Anas reported: There came to Allah's Messenger (may peace be upon him) some ponple from 'Uraina. They embraced Islam and swore allegiance to him and there had spread at that time pleurisy. The rest of the hadith is the same (but with this addition):" There were by his (the Prophet's) side about twenty young men of the Ansar; he sent them (behind) them (culprits), and he also sent along with them one expert in following the track so that he might trace their footprints."
Book 16, Number 4136:
This hadith has been narrated on the authority of Anas b. Malik through another chain of transmitters.
Book 16, Number 4137:
Anas reported that Allah's Messenger (may peace be upon him) pierced their eyes because they had pierced the eyes of the shepherds.
Chapter 3: THE JUSTIFICATION OF QISAS (RETRIBUTION) WHEN ONE IS KILLED WITH STONE OR ANY OTHER HEAVY THING AND KILLING OF A MALE FOR THE MURDER OF A FEMALE
Book 16, Number 4138:
Anas b. Malik reported that a Jew killed a girl with a stone for her silver ornaments. She was brought to Allah's Messenger (may peace be upon him) when there was yet some life in her. He (the Holy Prophet) said to her: Has so and so killed you? She indicated with the nod of her head: No. He said for the second time, and she again said: No with the nod of her head. He asked for the third time, and she said: Yes with the nod of her head and Allah's Messenger (may peace be upon him) commanded to crush his head between two stones.
Book 16, Number 4139:
This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters and in the hadith narrated on the authority of Ibn Idris (the words are):" He (commanded) to crush his head between two stones."
Book 16, Number 4140:
Anas reported that a Jew killed a girl of the Ansar for her ornaments and then threw her in a well and smashed her head with a stone. He was caught and brought to the Messenger of Allah (may peace be upon him), and he commanded that he should be stoned to death. So he was stoned until he died.
Book 16, Number 4141:
This hadith has been narrated on the authority of Ayyub with the same chain of transmitters.
Book 16, Number 4142:
Anas b. Malik reported: A girl was found with her head crushed between two stones. They asked her as to who had done that-has so and so (done it) until they mentioned a Jew. She indicated with the nod of her head (that it was so). So the Jew was caught, and he made confession (of his guilt). And Allah's Messenger (may peace be upon him) commanded that his head be smashed with stones.
Chapter 4: WHEN ANYONE ATTACKS THE LIFE OF A PERSON, OR HIS LIMB, AND THE VICTIM WARDS OFF THE ATTACK AND IN SELFDEFENCE EITHER THE LIFE OF THE ASSAILANT IS LOST OR HIS LIMB BROKEN, THERE WOULD BE NO PENALTY ON THE VICTIM
Book 16, Number 4143:
Imran b. Husain reported: Ya'la b. Munya or Ibn Umayya fought with a person, and the one bit the hand of the other. And he tried to draw his hand from his mouth and thus his foreteeth ware pulled out. They referred their dispute to Allah's Apostle (may peace be upon him), whereupon he said: Does any one of you bite as the camel bites? So there is no blood-wit for it.
Book 16, Number 4144:

This hadith has been transmitted on the authority of Ya'la.

Book 16, Number 4145:

'Imran b. Husain reported that a person bit the arm of another person; he pulled it out and his foretooth fell down. This matter was taken to Allah's Apostle (may peace be upon him), and he turned it down saying: Did you want to eat his flesh?

Book 16, Number 4146:

Safwan b. Ya'la reported that a person bit the arm of the servant of Ya'la b. Munya. He pulled it and his foretooth fell. The matter was referred to Allah's Apostle (may peace be upon him) and he turned it down and said: Did you intend to bite his hand, as the camel bites?

Book 16, Number 4147:

'Imran b. Husain reported that a person bit the hand of a person. He withdrew his hand and his foretooth or foreteeth fell down. He (the man who lost his teeth) referred the matter to Allah's Messenger (may peace be upon him) and he said, What do you want me to do? Do you ask me that I should order him to put his hand in your month, and you should bite it as the camel bites? (If you want retaliation, then the only way out is) that you put your hand in his mouth (allow him) to bite that and then draw it away.

Book 16, Number 4148:

Safwan b. Ya'la b. Munya reported on the authority of his father that there came to Allah's Apostle (may peace be upon him) a person who had bitten the hand of another person and who had withdrawn his hand (and as a result thereof) his foreteeth had fallen (those which had bitten). The Apostle of Allah (may peace be upon him) turned down his (claim), and said: Do you wish to bite as the camel bites?

Book 16, Number 4149:

Safwan b. Ya'la b. Umayya thus reported from his father: I participated in the expedition to Tabuk with Allah's Apostle (may peace be upon him). And Ya'la used to say: That was the most weighty of my deeds, in my opinion. Safwan said that Ya'la had stated: I had a servant; he quarrelled with another person, and the one bit the hand of the other. ('Ata' said that Safwan had told him which one had bitten the hand of the other.) So he whose hand was bitten drew ill from (the mouth) of the one who had bitten it and (in this scuffle) one of his foreteeth was also drawn out. They both came to Allah's Apostle (may peace be upon him) and he declared his (claim for the compensation of) tooth as invalid.

Book 16, Number 4150:

This hadith has been narrated on the authority of Juraij with the same chain of transmitters.

Chapter 5: THE VERACITY OF RFTRIBUTION IN CASE OF TOOTH

Book 16, Number 4151:

Anas reported that Umm Haritha, the sister of Rubayyi' (she was the father's sister of Hadrat Anas) injured a person (she broke his teeth). The dispute was referred to Allah's Apostle (may peace be upon him). Allah's Messenger (may peace be upon him) said: Retribution, retribution. Umm Rubayyi' said: Messenger of Allah, will retribution be taken from so and so? By Allah, it shall not be taken from her (i. e. from Umm Haritha). Thereupon Allah's Apostle said: Hallowed be Allah. O Umm Rubayyi', Qisas (retribution is a command, prescribed) in the Book of Allah. She said: No, by Allah, Qisas will never be taken from her; and she went on saying this until they (the relatives of the one who had been injured) accepted the blood-wit. Thereupon Allah's Messenger (may peace be upon him) said: Verily there are amongst the servants of Allah (such pious persons) who, if they take oath of Allah, He honours it.

Chapter 6: WHEN IT IS PERMISSIBLE TO TAKE THE LIFE OF A MUSLIM

Book 16, Number 4152:

'Abdullah (b. Mas'ud) reported Allah's Messenger (may peace be upon him) as saying: It is not permissible to take the life of a Muslim who bears testimony (to the fact that there is no god but Allah, and I am the Messenger of Allah, but in one of the three cases: the married adulterer, a life for life, and the deserter of his Din (Islam), abandoning the community.

Book 16, Number 4153:

This hadith has been narrated on the authority of A'mash.

Book 16, Number 4154:
'Abdullah (b. Mas'ud) reported: Allah's Messenger (may peace be upon him) stood up and said: By Him besides Whom there is no god but He, the blood of a Muslim who bears the testimony that there is no god but Allah, and I am His Messenger, may be lawfully shed only in case of three persons: the one who abandons Islam, and deserts the community [Ahmad, one of the narrators, is doubtful whether the Holy Prophet (may peace be upon him) used the word li'l-jama'ah or al-jama'ah), and the married adulterer, and life for life.
Book 16, Number 4155:
This hadith has been reported on the authority of A'mash with the same chain of narrators but with a slight variation of words, i. e. he did not say: By Him besides Whom there is no god.
Chapter 7: HE WHO SHEDS THE BLOOD FIRST OF ALL BEARS THE BURDEN OF ALL SUBSEQUENT MURDERS
Book 16, Number 4156:
'Abdullah (b. Mas'ud) reported: Allah's Apostle (may peace be upon him) having said: No person who is killed unjustly, but the share of (this offence of his also) falls upon the first son of Adam, for he was the first to introduce killing.
Book 16, Number 4157:
This hadith has been narrated on the authority of Jarir and 'Isa b. Yunus with a slight variation of words.
Chapter 8: THE (CASES OF) BLOODSHED WOULD BE DECIDED FIRST OF ALL ON THE DAY OF JUDGMENT
Book 16, Number 4158:
'Abdullah b. (Mas'ud) reported Allah's Messenger (may peace be upon him) as saying: The first (thing) that will be decided among people on the Day of Judgment will pertain to bloodshed.
Book 16, Number 4159:
This hadith has been narrated on the authority of 'Abdullah through another chain of transmitters with a slight variation of words.
Book 16, Number 4160:
Abu Bakra reported that (in the Farewell Address) Allah's Apostle (may peace be upon him) said: Time has completed a cycle and come to the state of the day when Allah created the heavens and the earth. The year is constituted of twelve months, of which four are sacred; three of them consecutive, viz. Dhu'l-Qa'da, Dhu'l- Hijja and Muharram, and also Rajab the month of Mudar which comes between Jumada and Sha'ban. He (the Holy Prophet) then said: which month is this? We said Allah and His Messenger know best. He (the narrator) said: He (the Holy Prophet) remained silent for some time until we thought that he would give it a name other than that (by which it was known). He said: Is it not Dha'l-Hijja? We said: Yes. He (the Holy Prophet) said: Which city is this? We said: Allah and His Messenger know best. He (the Holy Prophety remained silent until we thought that he would give it another name. He (the Holy Prophet) said: Is it not the Balda (the city of Mecca)? We said: Yes. He said: What day is this? We said: Allah and His Messenger know best. He (the Holy Prophet) remained silent until we thought that he would give it another name. He said: Is it not the Day of Sacrifice? We said: Allah's Messenger. yes. Thereupon he said: Your blood, your property (Muhammad, one of the narrators, said: I think, he also said this) and your honour are sacred to you like the sacredness of this day of yours, in this city of yours, and in this month of yours. You will soon meet your Lord and He will ask you about your deeds. So do not turn after me unbelievers (or misguided), some of you striking the necks of the others. Behold I let him who is present convey to him who is absent, for many a one whom a message is conveyed has a more retentive memory than one who hears. He again said: Behold! have I not delivered (the message) to you? This hadith has been narrated through another chain of transmitters, but with a slight variation of words.
Book 16, Number 4161:
Abu Bakra reported that when it was that day (the 10th of Dhu'l-Hijja) he mounted his camel and a person caught its nosestring, whereupon he said: Do you know which day is this? They said: Allah and His Messenger know best. (The Holy Prophet [may peace be upon him] kept silent) until we

thought that he would give that another name. He said: Is it not the day of Nahr (Sacrifice) (10th of Dhu'l- Hijja)? We said: Allah's Messenger, yes. He (again) said: Which month is it? We said: Allah and His Messenger knows best. He said: Is it not Dhu'l-Hijja? We said: Allah's Messenger, yes. He said: Which city is this? We said: Allah and His Messenger know best. He (the narrator) said (that the Holy Prophet kept silent until we thought that he would give it another name besides its (original) name. He said: Is it not Balda (the city of Mecca)? We said: Yes, Allah's Messenger. He (then) said: Verily your blood (lives) and your property and your honour are as sacred unto you as sacred is this day of yours, in this month of yours, in this city of yours. Let him who is present convey it to one who is absent. He then turned his attention towards two multicoloured (black and white) rams and slaughtered them, and two goats, and distributed them amongst us.

Book 16, Number 4162:

Abu Bakra reported that when it was the day of (Dhu'l-Hijja) Allah's Apostle (may peace be upon him) mounted the camel and addressed and a person had been holding its nosestring. The rest of the hadith is the same.

Book 16, Number 4163:

This hadith has been narrated on the authority of Abu Bakra through another chain of transmitters (and the words are):" Allah's Messenger (may peace be upon him) addressed us on the day of Nahr (Sacrifice) and said: What day is this? And the rest of the hadith is the same except that he did not make mention of" your honour," and also did not make mention of this: He then turned his attention towards two rams and what follows, and in a hadith (the words pertaining to sacred- ness are recorded in this way):" Like the sacredness of this day of yours, in this month of yours, in this city of yours to the day when you will meet your Lord. Behold, have I not conveyed (the Message of God)? They said: Yes. He said: O Allah, bear witness."

Chapter 9: THE CONFESSION OF MURDER IS HELD VALID AND THE PERSON WHOSE MAN IS KILLED IS ENTITLED TO GET RETRIBUTION. THE OFFENDER HAS A RIGHT TO BEG FOR REMISSION

Book 16, Number 4164:

'Alqama b. Wa'il reported on the authority of his-father: While I was sitting in the company of Allah's Apostle (may peace be upon him), a person came there dragging another one with the help of a strap and said: Allah's Messenger, this man has killed my brother. Allah's Messenger (may peace be upon him) said to him: Did you kill him? And the other man said: (In case he did not make a confession of this, I shall brine, a witness against him). He (the murderer) said: Yes, I have killed him. He (the Holy Prophet) said: Why did you kill him? He said: I and he won striking down the leaves of a tree and he abused me and enraged me, and to I struck his head with an axe and killed him, whereupon Allah's Messenger (may peace be upon him) said: Have you anything with you to pay blood-wit on your behalf? He said: I do not possess any property but this robe of mine and this axe of mine. He (the Holy, Prophet) said: Do you think your people will pay ransom for you? He said: I am more insignificant among my people than this (that I would not be able to get this benefit from my tribe). He (the Holy Prophet) threw the strap towards him (the claimant of the blood-wit) saying: Take away your man. The man took him away, and as he returned, Allah's Messenger (may peace be upon him) said: If he kills him, he will be like him. He returned and said: Allah's Messenger, it has reached me that you have said that" If he killed him, he would be like him." I caught hold of him according to your command, whereupon Allah's Messenger (may peace be upon him) said: Don't you like that he should take upon him (the burden) of your sin and the sin of your companion (your brother)? He said: Allah's Apostle, why not? The Messenger of Allah (may peace be. upon him) said: If it is so, then let it be. He threw away the strap (around the offender) and set him free.

Book 16, Number 4165:

'Alaqama b. Wa'il reported on the authority of his father that a person was brought to the Messenger of Allah (may peace be upon him) who had killed another person, and the heir of the person slain had dragged him (to the Holy Prophet) with a strap around his neck. As he turned away Allah's Messenger (may peace be upon him) said: The killer and the killed are (doomed) to fire. A person came to the other person (the heir of the deceased) and he reported to him the words of the Messenger of Allah

(may peace be upon him), and so he let him off. Isma'il b. Salim said: I made a mention of it to Habib b. Abu Thabit and he said: Ibn Ashwa' reported to me that Allah's Apostle (may peace be upon him) had asked him to pardon him, but he refused.

Chapter 10: BLOOD-WIT OF THE CHILD IN THE WOMB, AND THE ESSENTIALITY OF BLOOD-WIT IN CASE OF UNINTENTIONAL MURDER AND IN CASE OF THE QUASI-INTENTIONAL MURDER

Book 16, Number 4166:

Abu Huraira reported that among two women of the tribe of Hudhail one flung a stone upon the other causing an abortion to her Allah's Apostle (may peace he upon him) gave judgment that a male or a female slave of best quality be given as compensation.

Book 16, Number 4167:

Abu Huraira reported that Allah's Messenger (may peace be upon him) gave judgment in case of the abortion of a woman of Banu Lihyan (that the offender and near relative should give compensation in the form of) good quality of a slave or a slave-girl. And the woman about whom the judgment was given for compensation died and thereupon Allah's Messenger (may peace be upon him) gave judgment that her inheritance goes to her sons and her husband, and the payment of the blood-wit lies with the family of (one who struck her).

Book 16, Number 4168:

Abu Huraira reported that two women of the tribe of Hudhail fought with each other and one of them flung a stone at the other, killing her and what was in her womb. The case was brought to Allah's Messenger (may peace be upon him) and he gave judgment that the diyat (indemnity) of her unborn child is a male or a female slave of the best quality, and he also decided that the diyat of the woman is to be paid by her relative on the father's side, and he (the Holy Prophet) made her sons and those who were with them her heirs. Hamal b. al-Nabigha al-Hudhali said: Messenger of Allah, why should I play blood-wit for one who neither drank, nor ate, nor spoke, nor made any noise; it is like a nonentity (it is, therefore, not justifiable to demand blood-wit for it). Thereupon Allah's Messenger (may peace be upon him) said: He seems to be one of the brothers of soothsavers on account of the rhymed speech which he has composed.

Book 16, Number 4169:

Abu Huraira reported that two women fought-the rest of the hadith is the same but herein no mention has been made of: He made her son and those who were with them her heirs. Someone said: Why should we pay blood-wit? And he did not name Hamal b. Malik.

Book 16, Number 4170:

Al-Mughira b. Shu'ba reported that a woman struck her co-wife with a tent-pole and she was pregnant and she killed her. One of them belonged to the tribe of Lihyan. Allah's Messenger (may peace be upon him) made the relatives of the murderer responsible for the payment of blood-wit on her behalf, and fixed a slave or a female slave as the indemnity for what was in her womb. One of the persons amongst the relatives of the murderer said: Should we pay indemnity for one who, neither ate, nor drank, nor made any noise, who was just like a nonentity? Thereupon Allah's Messenger (may peace be upon him) remarked: He speaks rhymed phrases like the people of the desert. He did impose indemnity upon them.

Book 16, Number 4171:

Al-Mughira b. Shu'ba reported: A woman killed her fellow-wife with a tent-pole. Her case was brought to Allah's Messenger (may peace be upon him), and he gave judgment that blood-wit should be paid by the relatives (of the offender) on the father's side. And as she was pregnant, he decided regarding her unborn child that a male or a female slave of good quality be given. Some of her offender's) relatives said: Should we make compensation for one who never ate, nor drank, nor made any noise, who was like a nonentity? Thereupon Allah's Messenger (may peace be upon him) said: He was talking rhymed phrases like the rhymed phrases of desert Arabs.

Book 16, Number 4172:

This hadith has been narrated on the authority of Mansur with the same chain of transmitters.

Book 16, Number 4173:

Mansur transmitted this hadith with a slight variation of words.
Book 16, Number 4174:
Miswar b. Makhrama reported that 'Umar b. Khattab consulted people about the diyat of abortion of an unboam child. Mughira b. Shu'ba said: I bear witness to the fact that Allah's Messenger (may peace be upon him) gave judgment about it that a good quality of slave or female slave should be given for it. Thereupon 'Umar said: Bring one who may bear witness to you. Then Muhammad b. Maslama bore witness to him.